### Off1

#### Congressional restrictions kill PC- Obama’s first term proves other objectives outweigh SOP questions

Ackerman and Hathaway 11 (Bruce and Oona, Sterling Professor of Law and Political Science, Yale Law School; Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; LIMITED WAR AND THE CONSTITUTION: IRAQ AND THE CRISIS OF PRESIDENTIAL LEGALITY, 109 Mich. L. Rev. 447, lexis)

President Bush had now transformed a war authorized by Congress into a war authorized by the president alone. Gone was Saddam's "continuing" threat to the national security of the United States. Gone were the U.N. Security Council resolutions. In their place, the president presented Congress with a fait accompli - a document that committed the country to fight the war for three more years. n115 But would the new administration go along with this unconstitutional power play? Only months before, Senators Obama, Biden, and Clinton had endorsed a resolution demanding the submission of any new Iraq agreement to Congress for approval. n116 Now that they were president, vice president, and secretary of state, they could make their earlier resolution into reality.¶ As they pondered their next steps, developments in Iraq provided an ironic commentary. The new Iraqi constitution, like our own, required the chief executive to submit the bilateral agreements to the country's parliament for ratification. In stark contrast to President Bush, Prime Minister Maliki followed constitutional requirements, providing the Iraq assembly with an opportunity to deliberate upon and approve the bilateral agreement. n117 Did Iraq's embryonic democracy have an important constitutional lesson to teach the oldest democracy in the world? n118¶ [\*475] While campaigning for the presidency, Senators Obama and Clinton appeared to think so. But on January 20th, President Obama and Secretary of State Clinton silently acquiesced in their predecessor's usurpation of congressional authority. They made no public effort to reconcile this decision with their previous protests. Their silent acceptance of Bush's agreement with Iraq - effectively ratifying it - had obvious political advantages: when Obama announced his determination to withdraw combat troops by August 2010, Republicans were in no position to denounce the administration's plans as tantamount to surrender, for the pronouncement was consistent with the plan announced in the agreement negotiated by President Bush. n119¶ Congress joined in this act of collective amnesia - with politics, once again, serving as the obvious motivation. The Democrats in control of both houses had better things to do than embarrass their new president with constitutional objections to the ongoing military effort in Iraq. They were preparing themselves for the coming struggle over the stimulus package, health care reform, financial reform, and other high-priority initiatives. No one was prepared to fight for Congress's right to approve an agreement that was already in place and was serving as the basis of the country's war in Iraq.¶ Nor were minority Republicans inclined to act as the nation's constitutional conscience. This would not only involve a direct attack on Bush's earlier actions. It would (implicitly) suggest that President Obama had the constitutional prerogative to repudiate the Bush agreement and opt for a speedier pullout in Iraq - a policy few if any Republicans in Congress supported.¶ Political imperatives were now trumping the institutional logic of the separation of powers. n120 Both political parties had an interest in allowing President Obama to silently ratify President Bush's transformation of a limited war into an unlimited conflict. With no one contesting the matter, the media failed to note the odd disjunction posed by Iraq's turn to parliamentary participation and Washington's embrace of executive unilateralism.

**Obama will win the debt ceiling fight now- his political strength is the key factor**

**Kapur 9/12**/2013 (Sahil, Talking Points Memo’s senior congressional reporter and Supreme Court correspondent. His articles covering politics and public policy have been published in The Huffington Post, The Guardian and The New Republic, Cantor: If We Can’t Defund Obamacare, Let’s Delay It, http://tpmdc.talkingpointsmemo.com/2013/09/eric-cantor-obamacare-debt-ceiling-shutdown-default.php)

In order to persuade conservatives lawmakers to vote to keep the federal government funded past Sept. 30, House **Republican leaders are proposing to stare down** President Barack **Obama over the debt ceiling by seeking a one-year delay of Obamacare.¶** At a closed-door meeting Tuesday, House Majority Leader Eric Cantor (R-VA) floated a strategy to delay the rollout of Obamacare for one year in exchange for lifting the debt ceiling. The meeting was focused on pitching a plan that lets Republicans vote to defund Obamacare without risking a government shutdown if the Senate rejects the idea, a move that is meeting fierce resistance on their right flank, which wants to go further.¶ A senior Republican aide familiar with Cantor’s remarks said he was essentially trying to persuade his members that the debt limit, which the federal government is expected to hit in mid-October, provides a better opportunity than a threatened government shutdown to undermine Obamacare.¶ “He didn’t draw any red lines,” said the GOP aide. “He said it’s a better opportunity than [the continuing resolution] and a delay there is very doable.” The aide added that the concession wouldn’t necessarily just involve Obamacare; there could be other reforms. The aide admitted that it depends in part on what the president is willing to give up.¶ **It all sounds far-fetched**. After all, trading a government shutdown for default would be like trading a common cold for cancer. And **it remains to be seen whether GOP leaders would let the economy collapse if they don’t get their way, or if they’re merely saying what they have to say to get through the shutdown crisis.**¶ An upside to proposing the debt ceiling idea now is that it helps persuade Republican lawmakers not to withhold their support for keeping the government open. Cantor’s suggestion this week comes as Republicans are taking heavy fire from conservative advocates for refraining from risking a government shutdown over Obamacare. House leaders have postponed consideration of the continuing resolution until next week to build support.¶ Last month, Speaker John **Boehner** (R-OH) **floated the idea of delaying or defunding the health care reform law in a debt ceiling package. But he, too, stopped short of drawing any red lines**. A leadership aide described it at the time as an “option.”¶ Despite the anti-Obamacare frenzy consuming their right flank, **Republican leaders recognize that both a shutdown and default would be a disaster for their party**, potentially threatening their House majority ahead of a mid-term election when they hope to win back the Senate. **Their balancing act to satisfy conservatives enough to avert a shutdown but not to create expectations that threatening debt default is the way to go.¶** Back in January, **when** President Barack **Obama held firm** and refused to negotiate **on the debt limit**, **as he is now**, **the House GOP backed down** **and lifted the debt ceiling without substantive concessions** (but rather symbolic ones). **Republican** **leaders recognize that it will be extremely difficult to extract major** Obamacare **concessions**, especially on the eve of its rollout. **The last-ditch option in** Speaker John **Boehner’s** (R-OH) **pocket would be to avert disaster by bringing up legislation that passes with the support of mostly Democrats. This route is far from ideal for him, but he hasn’t ruled it out**.¶ In a memo to Republicans last Friday, Cantor vowed to continue attacking Obamacare, but not necessarily at risk of wreaking havoc on the economy. Instead he promised that leaders will “hold a series of strategic votes throughout the fall to dismantle, defund, and delay Obamacare.” He said Republicans “will continue to pursue the strategy of systematically derailing this train wreck and replacing it with a patient-centered system.”¶ At the end of the day, **the battle over Obamacare is largely a side show** that Republican leaders have to deal with. The real fight, where Republicans have genuine leverage, is over how much the government will spend next fiscal year and whether Congress will make permanent the lower spending levels after the automatic cuts known as sequestration.

**Failure to act on the debt ceiling collapses the economy-Multiple internal links**

**Swagel, 9/4** [Phillip, professor at the School of Public Policy at the University of Maryland, assistant secretary for economic policy at the Treasury Department from 2006 to 2009, “Fiscal Collisions Ahead,” <http://economix.blogs.nytimes.com/2013/09/04/fiscal-collisions-ahead/>, ALB]

**A failure to act would harm the economy. Not lifting the debt ceiling in particular would be expected to have catastrophic economic effects**. **Interest rates could skyrocket if investors question the full faith and credit of the United States government, leading to a credit crunch that pummels business and consumer spending**. The calamity might be avoided if the Treasury Department makes payments to bondholders to avoid a default, but even with this contingency plan (which the Treasury shows no sign of putting into place), the spectacle of a government that cannot finance its routine operations would doubtless translate into a severe negative impact on private confidence and spending.¶ **A shutdown of nonessential government operations on Oct. 1 would mean an unintended reduction in spending that could retard [halt[ the recovery, but the larger consequence again would be indirect through a hit to confidence**. **With the government unable to attend to routine matters, it does not take much to imagine that American families and companies would halt plans to spend, invest and hire**. This would repeat the natural instinct that contributed to the plunge in economic activity in the fall of 2008.¶ **Fiscal uncertainty matters for monetary policy as well, because the Federal Reserve will hesitate to start unwinding its expansionary policy if a serious fiscal drag seems imminent**.

**Best studies prove economic collapse causes war**

**Royal 2010** (Jedediah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010, “Economic Integration, Economic Signaling and the Problem of Economic Crises,” in Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215)

Less intuitive is how **periods of economic decline may increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modclski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power** (see also Gilpin, 1981) **that leads to uncertainty about power balances, increasing the risk of miscalculation** (Fearon. 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996. 2000) theory of trade expectations suggests that **'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states.** He argues that **interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline**, particularly for difficult to replace items such as energy resources, **the likelihood for conflict increases,** as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, **the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other.** (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Weerapana. 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. **'Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect.** Wang (1990, DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. **DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force**. In summary, **recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.'** This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### Off2

#### Unique LINK—Obama is massively expanding Presidential War Powers Now—Plan is a unique reversal of that trend.

Friedersdorf, 9-12-13 (That’s yesterday)[Obama Acts Like He Doesn't Know He's an Executive-Power Extremist On the fake moderation of a president who talks a good game but doesn't follow through CONOR FRIEDERSDORF SEP 12 2013 is a staff writer at The Atlantic, where he focuses on politics and national affairs. http://www.theatlantic.com/politics/archive/2013/ 09/obama-acts-like-he-doesnt-know-hes-an-executive-power-extremist/279583/]

It's often hard to tell if President Obama is lying to the American people or to himself. Is he willfully misrepresenting who he is? Or is he blind to his true self? Over the last five years he has repudiated many of the positions he took in 2008, but still talks like and perhaps likes to think of himself as the man who ran on change. A passage from his Tuesday speech on Syria provides a striking example. The relevant passage -- an aside on executive power -- comes just after the president explains that he favors a strike on Syria to deter the use of chemical weapons (emphasis added): That's my judgment as commander-in-chief. But I’m also the president of the world’s oldest constitutional democracy. So even though I possess the authority to order military strikes, I believed it was right, in the absence of a direct or imminent threat to our security, to take this debate to Congress. I believe our democracy is stronger when the president acts with the support of Congress. And I believe that America acts more effectively abroad when we stand together. This is especially true after a decade that put more and more war-making power in the hands of the president, and more and more burdens on the shoulders of our troops, while sidelining the people’s representatives from the critical decisions about when we use force. What a fascinating paragraph! Even as Obama implies that he is a circumspect steward of constitutional democracy, he asserts that even absent "a direct or imminent threat," he has absolute power to wage war without congressional support, the Constitution and the opinions of the demos be damned. If the passage ended there it would be staggering in its internal tension. As Jack Goldsmith explained in detail, intervening in Syria without congressional sign-off would "push presidential war unilateralism beyond where it has gone before." Asserting that power without using it is still an extreme position to take.¶ Obama goes a delusion farther. Ostensibly because he hasn't yet intervened, even though he repeatedly and needlessly asserts his right to do so unilaterally, he casts himself as moving away from unilateralism and toward consulting Congress. The benefits are "especially true after a decade that put more and more war-making power in the hands of the president," he notes, "while sidelining the people’s representatives from the critical decisions about when we use force."¶ The grammer is priceless. Who "put more and more war-making power in the hands of the president"? In Obama's telling, "a decade" put the executive power there.¶ The absence of a human subject in the sentence isn't hard to figure out. For all President George W. Bush's faults, he sought and received majority support for the Patriot Act, the September 2001 AUMF, the War in Afghanistan, and the War in Iraq. Obama's expansion of the drone war and his illegal war-making in Libya didn't turn out as bad as Iraq, so it's hard to see him as a worse president, but Obama has done more than Bush to expand the war-making power of the White House. As for "sidelining the people’s representatives from the critical decisions about when we use force," it's Obama who went into Libya despite the fact that a House vote to approve U.S. involvement was brought to the floor and voted down.¶ Yet Obama complains about these trends as if someone other than Obama is responsible for them, and as if he has been and remains powerless to do more to reverse them. When Obama asked Congress to vote in Syria, no one forced him to insist that he had the power to intervene militarily even if a legislative vote declared otherwise. No one forced him to defend the extreme position that the presidential war power is so sweeping that it includes waging wars of choice rejected by Congress that don't involve any direct or imminent threat to the United States. ¶ He went out of his way to defend that maximal precedent, even as gave us the impression that he was trying to rein in executive power that he claims to find regrettable and worrisome. It's all consistent with Obama's favorite rhetorical tactic: granting the validity of an objection in his rhetoric, then totally ignoring the objection in his actions. In so doing, he confuses public discourse and subverts debate. We know that Obama is an executive-power extremist in his actions. He believes the president has the power to intervene militarily without Congress in places that do not threaten America; that he can order American citizens killed in secret without due process; that he can secretly collect data on the phone calls of all Americans; that he can invoke the state-secrets privilege to avoid adjudicating constitutional challenges to his policies on their merits; that he can indefinitely detain prisoners without evidence, charges or due process, that he can sit in judgment of anyone on earth, then send a drone anywhere to strike them.¶ Yes, we know that Obama is an executive-power extremist in his actions, that there are many steps to rein in executive power that he could take but hasn't taken ... and that he worries repeatedly about an excess of executive power in his rhetoric. What we don't know is the reason for this disconnect. After all, this ain't like Gitmo. If he really wanted to do more to shrink executive power, he could do a lot unilaterally, and no one could stop him. Is he trying to fool us? Or is he fooling himself, because he likes to think of himself as more prudent and moderate man than he is? Can he not bear the truth that he's a Cheneyite extremist\*? My best guess is that he's trying to fool us. But it's hard to know for sure.¶ \*It would be fascinating to look at the many issues on which Bush-Cheney and Obama take the same position, and compare how many times each was referred to in the media as "out of the mainstream," a phrase that faded fast circa January 2009.

#### Presidential leadership is necessary to prevent loose nuclear material falling into the hands of terrorist organizations

Daryl G. Kimball, 12-4-12 (Executive Director of the Arms Control Association , “Obama Underscores Need for Further Progress to Reduce Nuclear Dangers”, Armscontrolnow.org)

In his first foreign policy-related address since his reelection, on Monday Dec. 3 President Obama praised the architects of the highly-successful Nunn-Lugar Cooperative Threat Reduction Program, he reaffirmed his commitment to the action plan toward a world without nuclear weapons, and he underscored his commitment to achieve further progress to reduce the threats posed by nuclear, chemical and biological weapons.¶ While Obama did not break new ground, his remarks are an important signal to his national security team, the Congress, the American public, and the world that he intends to complete unfinished nuclear risk reduction tasks that he set out in his historic Prague address in April 2009.¶ In the speech which capped a day-long conference titled “Nunn-Lugar Cooperative Threat Reduction: Partnering for a More Secure World” at the National Defense University, Obama praised former Senator Sam Nunn (D-Ga.) and Dick Lugar (R-Ind.) for their visionary and bipartisan leadership to conceive of and support the program.¶ Begun in 1991, the program has deactivated over 7,600 warheads and destroyed over 900 intercontinental ballistic missiles. It has dismantled 33 submarines that carried nuclear weapons and 155 bombers. It also has funded security measures to safeguard facilities housing weapons of mass destruction and destroy chemical and biological weapons.¶ However, the President said, “…even with all your success — the thousands of missiles destroyed, bombers and submarines eliminated, the warheads that have been deactivated — we’re nowhere near done. Not by a long shot. And you all know this. There’s still much too much material -— nuclear, chemical, biological -— being stored without enough protection. There are still terrorists and criminal gangs doing everything they can to get their hands on it.”¶ “And make no mistake,” Obama said, “if they get it, they will use it; potentially killing hundreds of thousands of innocent people, perhaps triggering a global crisis. That’s why I continue to believe that nuclear terrorism remains one of the greatest threats to global security. That’s why working to prevent nuclear terrorism is going to remain one of my top national security priorities as long as I have the privilege of being President of the United States.”¶ Significant progress has been achieved to lock-down vulnerable nuclear material worldwide, but the to-do list is long, its underfunded, and its unfinished, as the March 2012 ACA-PGS status report on the 2010 and 2012 Nuclear Security Summits explains.¶ One key step that Congress could take in the bipartisan tradition of Nunn-Lugar would be to finally approve the implementing legislation for two nuclear terrorism prevention conventions: the International Convention for the Suppression of Acts of Nuclear Terrorism, and the 2005 amendment to the Convention on the Physical Protection of Nuclear Materials, are common sense measures that enhance the world’s ability to prevent incidents of nuclear terrorism and punish those responsible.¶ As ACA Senior Fellow Greg Thielmann wrote in a recent ACA Issue Brief, “Time Is Now to Act on Treaties to Guard Against Nuclear Terrorism,” the legislation for these treaties has been delayed as a result of an impasse on the Senate Judiciary Committee between chairman Patrick Leahy (D-Vt.) and Charles Grassley (R-Iowa).¶ Second Term Nuclear Risk Reduction Opportunities¶ Obama said “Nunn-Lugar is the foundation for the vision that I laid out, once I was elected President, in travel to Prague — where nations come together to secure nuclear materials, as we’re doing with our Nuclear Security Summits, where we build on New START and continue to work to reduce our arsenals; where we strengthen the Nuclear Non-Proliferation Treaty and prevent the spread of the world’s most deadly weapons; where, over time, we come closer to our ultimate vision — a world without nuclear weapons.”¶ Continuing to reduce the nuclear threat, strengthen the nuclear Nonproliferation Treaty, and move closer toward a world without nuclear weapons will require stronger presidential leadership on the objectives that Obama and his team laid out in his first term.¶

#### Nuke Terror Outweighs All Other Impacts – Most Likely Scenario For Extinction

-this evidence cites multiple peer-reviewed studies as well as terrorist group statements

-answers defense based on means – there’s lots of unsafe material around the world and a lot of providers

-answers defense based on motives – terrorists have an incentive to spur retaliation because it create chaos

Jaspal– Associate Professor at the School of Politics and International Relations, Quaid-i-Azam University, Islamabad, Pakistan 12 (Zafar Nawaz, “Nuclear/Radiological Terrorism: Myth or Reality?”, Journal of Political Studies, Vol. 19, Issue - 1, 2012, 91:111)

The misperception, miscalculation and above all ignorance of the ruling elite about security puzzles are perilous for the national security of a state. Indeed, in an age of transnational terrorism and unprecedented dissemination of dualuse nuclear technology, ignoring nuclear terrorism threat is an imprudent policy choice. The incapability of terrorist organizations to engineer fissile material does noteliminate completely the possibility of nuclear terrorism. At the same time, the absence of an example or precedent of a nuclear/ radiological terrorism does not qualify the assertion that the nuclear/radiological terrorism ought to be remained a myth. Farsighted rationality obligates that one should not miscalculate transnational terrorist groups — whose behavior suggests that they have a death wish — of acquiring nuclear, radiological, chemical and biological material producing capabilities. In addition, one could be sensible about the published information that huge amount of nuclear material is spread around the globe. According to estimate it is enough to build more than 120,000 Hiroshima-sized nuclear bombs (Fissile Material Working Group, 2010, April 1). The alarming fact is that a few storage sites of nuclear/radiological materials are inadequately secured and continue to be accumulated in unstable regions (Sambaiew, 2010, February). Attempts at stealing fissile material had already been discovered (Din & Zhiwei, 2003: 18). Numerous evidences confirm that terrorist groups had aspired to acquire fissile material for their terrorist acts. Late Osama bin Laden, the founder of al Qaeda stated that acquiring nuclear weapons was a“religious duty” (Yusufzai, 1999, January 11). The IAEA also reported that “al-Qaeda was actively seeking an atomic bomb.” Jamal Ahmad al-Fadl, a dissenter of Al Qaeda, in his trial testimony had “revealed his extensive but unsuccessful efforts to acquire enriched uranium for al-Qaeda” (Allison, 2010, January: 11). On November 9, 2001, Osama bin Laden claimed that “we have chemical and nuclear weapons as a deterrent and if America used them against us we reserve the right to use them (Mir, 2001, November 10).” On May 28, 2010, Sultan Bashiruddin Mahmood, a Pakistani nuclear scientist confessed that he met Osama bin Laden. He claimed that “I met Osama bin Laden before 9/11 not to give him nuclear know-how, but to seek funds for establishing a technical college in Kabul (Syed, 2010, May 29).” He was arrested in 2003 and after extensive interrogation by American and Pakistani intelligence agencies he was released (Syed, 2010, May 29). Agreed, Mr. Mahmood did not share nuclear know-how with Al Qaeda, but his meeting with Osama establishes the fact that the terrorist organization was in contact with nuclear scientists. Second, the terrorist group has sympathizers in the nuclear scientific bureaucracies. It also authenticates bin Laden’s Deputy Ayman Zawahiri’s claim which he made in December 2001: “If you have $30 million, go to the black market in the central Asia, contact any disgruntled Soviet scientist and a lot of dozens of smart briefcase bombs are available (Allison, 2010, January: 2).” The covert meetings between nuclear scientists and al Qaeda members could not be interpreted as idle threats and thereby the threat of nuclear/radiological terrorism is real. The 33Defense Secretary Robert Gates admitted in 2008 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 (Mueller, 2011, August 2).” Indeed, the nuclear deterrence strategy cannot deter the transnational terrorist syndicate from nuclear/radiological terrorist attacks. Daniel Whiteneck pointed out: “Evidence suggests, for example, that al Qaeda might not only use WMD simply to demonstrate the magnitude of its capability but that it might actually welcome the escalation of a strong U.S. response, especially if it included catalytic effects on governments and societies in the Muslim world. An adversary that prefers escalation regardless of the consequences cannot be deterred” (Whiteneck, 2005, Summer: 187) Since taking office, President Obama has been reiterating that “nuclear weapons represent the ‘gravest threat’ to United States and international security.” While realizing that the US could not prevent nuclear/radiological terrorist attacks singlehandedly, he launched 47an international campaign to convince the international community about the increasing threat of nuclear/ radiological terrorism. He stated on April 5, 2009: “Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold (Remarks by President Barack Obama, 2009, April 5).” He added: “One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe” (Remarks by President Barack Obama, 2009, April 5). In July 2009, at the G-8 Summit, President Obama announced the convening of a Nuclear Security Summit in 2010 to deliberate on the mechanism to “secure nuclear materials, combat nuclear smuggling, and prevent nuclear terrorism” (Luongo, 2009, November 10). President Obama’s nuclear/radiological threat perceptions were also accentuated by the United Nations Security Council (UNSC) Resolution 1887 (2009). The UNSC expressed its grave concern regarding ‘the threat of nuclear terrorism.” It also recognized the need for all States “to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists.” The UNSC Resolution called “for universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism.” (UNSC Resolution, 2009) The United States Nuclear Posture Review (NPR) document revealed on April 6, 2010 declared that “terrorism and proliferation are far greater threats to the United States and international stability.” (Security of Defence, 2010, April 6: i). The United States declared that it reserved the right to“hold fully accountable” any state or group “that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating, financing, or providing expertise or safe haven for such efforts (Nuclear Posture Review Report, 2010, April: 12)”. This declaration underscores the possibility that terrorist groups could acquire fissile material from the rogue states**.**

### Off3

#### CP Text: The President of the United States should issue an executive order prohibiting the use of offensive cyber operations about which Congress has not been notified.

#### Executive implementation of restrictions solves- current practice proves enforcement

Stewart A. Baker and Charles J. Dunlap Jr., 5-1-’12 (“What Is the Role of Lawyers in Cyberwarfare?”, ABA Journal)

Today the threat of new cyberweapons is just as real, but we have responded with an outpouring—not of technology or strategy but of law review articles, legal opinions and legal restrictions. Military lawyers are tying themselves in knots trying to articulate when a cyberattack can be classed as an armed attack that permits the use of force in response. State Department and National Security Council lawyers are implementing an international cyberwar strategy that relies on international law “norms” to restrict cyberwar. CIA lawyers are invoking the strict laws that govern covert action to prevent the Pentagon from launching cyberattacks. Justice Department lawyers are telling our military that it violates the law of war to do what every cybercriminal has learned to do—cover their tracks by routing attacks through computers located in other countries. And the Air Force recently surrendered to its own lawyers, allowing them to order that all cyberweapons be reviewed for “legality under [the law of armed conflict], domestic law and international law” before cyberwar capabilities are even acquired. (And that’s just the lawyers’ first bite at the apple; the directive requires yet another legal review before the weapons are used.) The result is predictable, and depressing. Top Defense Department officials recently adopted a cyberwar strategy that simply omitted any plan for conducting offensive operations. Apparently, they’re still waiting for all these lawyers to agree on what kind of offensive operations the military is allowed to mount.

#### The CP solves their modeling arguments better- practices are key to establish customary international law, not formal legal pronouncements

Tom Gjelten, 12- ’10 (Antioch University New England, “Shadow Wars: Debating Cyber 'Disarmament'”, World Affairs http://www.worldaffairsjournal.org/article/shadow-wars-debating-cyber-disarmament)

In venues where the Russians felt more confident, they were even bolder. In August 2009, the six member states of the Shanghai Cooperation Organization (SCO)—Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and China—approved a Russian-drafted agreement that cited the Russian U.N. resolution and elaborated on it. The SCO accord defined “information war” in part as a “confrontation between two or more states in the information space aimed at . . . undermining political, economic, and social systems [or] mass psychologic [ sic ] brainwashing to destabilize society and state.” Among the “security threats” described in the agreement was the dissemination of information harmful to the “spiritual, moral, and cultural spheres of other States.” The wording seemed to justify censorship of dissident writings on the Internet and bar countries from supporting such Internet activity in another state. The signatory countries resolved to work for “collective measures” that incorporated those ideas. U.S. officials interpreted the agreement as expressing the Russian and Chinese vision of what a U.N. cyber arms control agreement should entail, and they suspected the accord was concluded with the idea that it might serve someday as a source of customary international law, which arises through accepted precedents and practices rather than through formal conventions.

### Off4

#### The US has established Cyber Deterrence

Eric Talbot Jensen, ‘12 (Associate Professor, Brigham Young University Law School. , “CYBER DETERRENCE”, Emory law Journal)

Among the most worrisome of hacking incidents are those focused on critical national infrastructure.14 This infrastructure is the backbone of United States’ transportation and economic systems.15 The cost of downtime alone from major attacks on critical national infrastructure “exceeds . . . $6 million per day.”16 The attacks have caused President Barack Obama to recently state, From now on, our digital infrastructure—the networks and computers we depend on every day—will be treated as they should be: as a strategic national asset. Protecting this infrastructure will be a national security priority. We will ensure that these networks are secure, trustworthy and resilient. We will deter, prevent, detect, and defend against attacks and recover quickly from any disruptions or damage.17 President Obama’ s recognition of the role and importance of deterring malicious cyber operations, including cyber attacks, incorporates the traditional notions of deterrence to this modern risk to national security. Deterrence has been a part of Western political security doctrine since ancient Greece18 and played a particularly key role in the post-World War II nuclear world.19 It is equally important in today’s world of cyber operations 20 and will continue to play a key role in the U.S. national security strategy.21 In fact, just as cyber operations offer unique capabilities as tools to accomplish national goals,22 they also present distinctive aspects of deterrence, both in line with traditional notions of deterrence and also some innovative and progressive ways of viewing deterrence.23

#### Offensive Cyber capabilities are key to an effective deterrent

Jari Rantapelkonen & Mirva Salminen, ’13 (“THE FOG OF CYBER DEFENCE”, National Defence University Department of Leadership and Military Pedagogy Publication Series 2 Article Collection n:o 10)

Offensive Weaponry is Required for Credibility and Deterrence¶ Discussion on offensive cyber weaponry should begin. As emphasized, currently there is no credible status for the armed forces and the nation states without cyber capabilities – this includes the offensive capability. The arms race is on and accelerating, even if we would like to turn a blind eye to it. The most frantic contemporary race is about talented individuals. When it comes to the creation of cyber capabilities, the question is not about the number of people one employs but about the talent the employed have. The US, China, Russia and many other countries are actively recruiting promising hackers. So are, most likely, Al Qaeda and other organizations. The real cyber question is about the talent and about creating cyber capabilities with the help of the most talented individuals.¶ It is not very popular or even desirable to talk publicly about offensive cyber weaponry in most countries. However, it has become necessary to explain the logic of offensive cyber capabilities to the general public. Naturally, this has to be done in various ways in different countries due to cultural and national reasons. The reasons why countries are developing offensive weapons and why they need them can be summarized into the following four points.¶ First, if one wishes to be a credible actor both in the military battlefield and in world politics, one must have offensive capabilities – as one must have defensive capabilities and the ability to be resilient. One simply cannot have a credible cyber defence without offensive abilities.¶ Second, in order to achieve and raise her deterrence, one must possess offensive capabilities. The ability to act offensively includes a strong preventive message to the others – provided that they understand it and believe it. Offensive capabilities represent the key component of deterrence.¶ Third, offensive thinking and building offensive weaponry are vital in order to create a strong and credible defence. With just “defence thinking” one will not succeed. One has to have an understanding of how the attacker acts, and one should try to find all possible vulnerabilities in her own defence. It is also a matter of developing one’s defensive potentials, testing the current defence and training one’s forces. All this becomes much more efficient if one can test it with her own capabilities. Without the ability to act as an attacker, no country can build an effective and credible cyber defence.

#### Cyber Deterrence is ultimate deterrent- prevents Great Power War

Jari Rantapelkonen & Mirva Salminen, ’13 (“THE FOG OF CYBER DEFENCE”, National Defence University Department of Leadership and Military Pedagogy Publication Series 2 Article Collection n:o 10)

Based on that logic, cyber deterrence should play a similar role in the digitalized world. However, anonymity, advantage of attacks, global reach and interconnectedness greatly reduce the efficiency of cyber deterrence. Simultaneously, there is a lot of suspicion and rumours travelling around: what kind of capabilities the others might have and how they are using them already?¶ In the kinetic world, it is much easier to evaluate the opponent’s capabilities. It is quite easy to make a valid estimate on how many tanks, interceptors or submarines a country possesses. Countries also openly expose their arsenal, for example, in military parades, as well as their operational skills, for example, by organizing large military exercises. In the logic of deterrence, it is even more important to manifest force than to have real capabilities – yet the others have to know it.¶ Awareness Prevents Conflicts¶ Deterrence depends upon effective communication between the state and the entity it wishes to deter. One has to convince the others that if they attack, one has the capability and the capacity to do something about it. This is also the case in the cyber domain. If a country wants to be a credible actor in this domain, it should openly declare its offensive policy and expose its offensive capabilities. The policy acts as the rules for engagement. This is the trend some countries are already moving toward. For example, for the first time since the Second World War, Germany has publicly disclosed that it is developing offensive cyber weapons.5 In addition, in the latest Cyber Strategy of the United States, offensive cyber policy is strongly emphasized, and it has been said in public that the US Defense Advanced Research Projects Agency (DARPA) is focusing its research on offensive cyber capabilities.6 It has also been announced by many countries that a response to a cyber attack is not limited to the cyber domain, which is very understandable. The world needs to start talking openly about offensive cyber capabilities and the readiness levels – just as we discuss missile arsenals, air force, submarine fleets, or doctrines. We talk about great military exercises taking place in the kinetic world, but there is very little public discussion on things happening in cyberspace. Today, countries are aware of and appreciate the kinetic capacities which the others have. This is one reason why there are so few on- going wars in the world. Awareness prevents conflicts – at least, between the nation states – and it raises the threshold for conducting an attack. The defence policy of many countries is based on this assumption – if you have and if you are able to expose strong enough military capability, the likelihood of being attacked decreases.

### Off5

#### Interpretation- “war powers authority of the President” refers to authority given to the President by Congress- this means there has to be an explicit authorization for the thing they restrict

Bejesky 2012 (Robert, M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American government and constitutional law courses for Alma College, and business law courses at Central Michigan University and the University of Miami, WAR POWERS PURSUANT TO FALSE PERCEPTIONS AND ASYMMETRIC INFORMATION IN THE "ZONE OF TWILIGHT,” St. Mary's Law Journal, 44 St. Mary's L. J. 1, lexis)

V. CONCLUSION¶ The roles of war powers delegated to Congress and the Executive within the text of the United States Constitution are quite clear when Framer intent and historical records are considered. Congress authorizes the use of force; the President is Commander in Chief of the United States Military when using force within the confines of Congress's authorization. n560 Congress has authorized the use of military force in all but one major confrontation the United States has engaged in (the Korean War), which includes declaring war five times and authorizing large-scale military force four times. n561 Presidents largely adhere to the War Powers Resolution of 1973, which requires the President provide information to Congress and affirms Congress's right to authorize the use of force. n562¶ The Constitution states Congress funds, legislates over, and otherwise provides for the military and that the President is caretaker of the military during peacetime. n563 Once Congress authorizes the President to deploy military force, Congress cannot interfere with the President's execution of orders; however, Congress has limited, conditioned, and parameterized the use of force. n564 Presidents respected those restrictions at Jackson's lowest [\*94] ebb. Professors Barron and Lederman emphasized that there was no prior "sustained practice of [Presidents] actually disregarding statutes" until the last Bush Administration. n565¶ Due to drastic global changes since the Framers adopted the United States Constitution, it is possible for the Executive Branch and advocates of Executive powers to be immoderately risk-averse and propel presidential power. The President's informational advantages with the expansion of the administrative state and control over the national security apparatus, the reinterpretation of the use of force in the post-UN world and disparate levels of force, judicial hesitation to accept certiorari on use of force questions after the Vietnam War, and the President's advice from legal counsel are the primary variables that lead to confrontation within the zone of twilight. n566 Other considerations that should abate risk aversion since the Constitution's adoption include: today's elevated cooperation, UN restrictions on the use of force, United States hegemony, NATO as a global defense pact, and the role of the UN Security Council to prevent the use of force.¶ Advocates should be respected for their creativity in sponsoring a dominant executive position and so-called inherent presidential authority in war powers premised on originalism. n567 However, biased advisory memos classified under national security that contain faulty premises should not be regarded as legitimate opinions leading to precedent that expands presidential powers. It is toilsome to conceive that the text of the Constitution is so manipulable and that Supreme Court cases, legislation, [\*95] academics, and logic have been in discord about the scope of the Executive's war powers for nearly two centuries.

#### Centuries of legal practice support our interpretation

Dycus 2010 (Stephen, Professor, Vermont Law School, Congress’s Role in Cyber Warfare, JOURNAL OF NATIONAL SECURITY LAW & POLICY Vol. 4:155, http://jnslp.com/wp-content/uploads/2010/08/11\_Dycus.pdf)

Before an attack can be launched, of course, Congress must have¶ supplied the President with personnel and weapons.13 Moreover, Congress¶ may regulate the President’s actions as Commander in Chief, except when¶ the nation comes under sudden attack or the President exercises her tactical¶ powers (and perhaps even then). In the Supreme Court’s 1800 decision in¶ Bas v. Tingy, Justice Paterson, one of the Framers, echoed the other Justices¶ in declaring that “[a]s far as congress authorized and tolerated the war on¶ our part, so far may we proceed in hostile operations.”14 Four years later, in¶ Little v. Barreme, the Court reiterated that the President must not exceed¶ limits set forth in Congress’s authorization of hostilities.15 Since then, no¶ court has ruled otherwise.16

#### Violation- they restrict an activity not authorized by Congress and they advocate different OCO

#### Reasons to vote-

#### Limits- There are literally an infinite number of theoretical detentions to make or places to introduce armed forces- our interpretation forces them to revoke things that actually happen- only way to place a predictable limit on the object of the aff’s restriction

#### Bidirectionality- they move the topic toward theoretical Presidential ASSERTIONS of authority rather than ACTUAL authority- allows the aff to do things like “restrict” to the actual authority to prevent legal challenges to it

#### Ground- they fundamentally change the nature of the lit base- they let the aff use Presidentialists like John Yoo to say basically whatever they want- we force the topic to be about the AUMF and a few other pieces of legislation- gives a more cohesive, legal focus to the topic and ensures the neg can defend all of the tactics the aff can ban

### PREEMPTION

#### CP text: The President of the United States should issue an executive order requiring the initiation of an Offensive Cyber operation against China.

#### The US must strike before china, attack is imminent

Avery Goldstein, 2013 (David M. Knott Professor of Global Politics and International Relations, Director of the Center for the Study of Contemporary China, and Associate Director of the Christopher H. Browne Cen- ter for International Politics at the University of Pennsylvania. , “First Things First, The Pressing Danger of Crisis Instability in U.S.-China Relations”, International Security, Vol. 37, No. 4 (Spring 2013), pp. 49–89)

Fourth, developments in technology since the third quarter of the twentieth century have dramatically improved the offensive conventional military capabilities available to states.46 In the European theater during the Cold War, the strategic advantage that would derive from a conventional first strike, especially during a Soviet-American crisis in which both sides were mobilized, was far from clear. Put another away, the weapons available did not clearly confer a decisive edge to either offense or defense.47 By contrast, in the early twentyarst century, although the United States enjoys a huge advantage over China in conventional military power, both sides possess capabilities that are much more effective, indeed perhaps only effective, if used to attack before the other side has either attacked or adopted countermeasures.¶ In particular, to the extent the effectiveness of the most advanced conventional weapons is tied to sophisticated command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) networks that can be degraded through kinetic strikes or electronic and cyberwarfare, their distinctive usefulness for striking the adversary, or for signaling resolve and warning of escalation, may evaporate once the ability to conadently track and target is damaged. If, as is generally believed, emerging cyber- and space-warfare capabilities favor the attacker over the defender, once peacetime restraint based on mutual vulnerability gives way to the search for advantage in a crisis, neither side can be confident about the durability of its C4ISR.48 The weaker Chinese side will have especially powerful incentives to use its most sophisticated capabilities before the integrity of elements essential to command and control over them is compromised. This may induce pressures to initiate the use of force that are as great as those induced by more traditional concerns about losing the weapons themselves.49 The stronger U.S. side, too, will face incentives to act first, though its considerations would be different

#### We have passed the point of no return- China has no incentive to halt Cyber attacks

* China has too much to gain
* Diplomatic outreach has failed
* PLA is in control of offensive capabilities

Gordon G. Chang, 6-6-13 (JD Cornell law and Author of many books about China, “Cyber Détente with China”, World Affairs)

The ultimate goal is to arrive at understandings with the Chinese. As a “senior American official involved in the negotiations” told the paper, “We need to get some norms and rules.”¶ Actually, we have long passed that stage. What we need to do at this point is stop Chinese cyber intrusions, cyber attacks, and cyber espionage, all part of what many suspect to be the most extensive cyber campaign conducted by one country against another¶ Administration officials, according to the Times, say they do not expect the talks will result in an immediate and significant reduction in Chinese attacks. And as Stanford University’s Tim Junio told the AP, “China benefits too much by stealing intellectual property from the US, so it’s really hard to imagine anyone convincing them to slow down.”¶ So what is the purpose of further talks? It’s not as if the Obama administration has not already broached the subject with Beijing. The president and various officials had numerous conversations with the Chinese during the first term, but the attacks increased dramatically in the middle of last year. This year, Treasury Secretary Jack Lew, Secretary of State John Kerry, and Joint Chiefs Chairman Martin Dempsey have all trooped to Beijing to discuss the issue with no apparent result. Despite the persistent effort to establish a cooperative relationship, the People’s Liberation Army reportedly ramped up its cyber attacks sometime around the beginning of April.

#### China first strike is inevitable: Non-Cyber based pentagon strategic choices make miscalc likely

David C. Gompert, 8-2-13 (is an adjunct senior fellow and Terrence K. Kelly is the director of the Strategy, Doctrine, and Resources Program at the Arroyo Center at the nonprofit, nonpartisan RAND Corporation.; he served as President Obama's principal deputy director of national intelligence., “Escalation Cause: How the Pentagon's New Strategy Could Trigger War with China”, RanD)

Air-Sea Battle increases the odds that a crisis will turn violent. Already, the Chinese People's Liberation Army (PLA) leans toward early strikes on U.S. forces if hostilities have begun or appear imminent (this inclination is a first premise of the Air-Sea Battle concept). Given that, to be most effective, Air-Sea Battle would need to take down Chinese targeting and strike capabilities before they could cause significant damage to U.S. forces and bases. It follows, and the Chinese fear, that such U.S. capabilities are best used early and first — if not preemptively, then in preparation for further U.S. offensive action. After all, such U.S. strikes have been used to initiate conflict twice in Iraq. This perception will, in turn, increase the incentive for the PLA to attack preemptively, before Air-Sea Battle has degraded its ability to neutralize the U.S. strike threat. It could give the Chinese cause to launch large-scale preemptive cyber- and anti-satellite attacks on our Air-Sea Battle assets. Indeed, they might feel a need, out of self-defense, to launch such attacks even if they had not planned to start a war. It is a dangerous situation when both sides put a premium on early action.

#### The CP solves and prevents nuclear escalation

DOD DSC, Department of defense Defense science board, 1-’13 (“Resilient Military Systems and the Advanced Cyber Threat”, http://www.acq.osd.mil/dsb/reports/ResilientMilitarySystems.CyberThreat.pdf)

To provide a non-nuclear but cyber survivable escalation ladder between conventional conflict and the nuclear threshold – that is to increase stability and build a new sub- nuclear red line in this emerging era of a cyber peer competitor delivering a catastrophic attack. Despite the past decade of policy deliberations on new conventional global strike capabilities as part of a deterrence strategy, the situation today is such that the ultimate U.S. deterrent, including response against a catastrophic full spectrum cyber attack, is the nuclear triad– intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and nuclear-capable heavy bombers. The nuclear command and control (NC2) of the nuclear forces is comprised of systems, communication paths, and procedures associated with National Security Presidential Directive (NSPD)-28, which provides guidance to the Military Departments on the nature of redundant survivable communication paths to each nuclear delivery platform. Importantly, the definition of “survivability” in the traditional context of Nuclear C2 and forces usually referred to their credible ability to withstand a massive nuclear strike, with all of its attendant effects (including Electromagnetic Pulse (EMP)), and then provide a counter value retaliatory response. The Task Force expands the definition of survivability to include credible capability to withstand a Type V-VI cyber attack.

#### China is preparing for a cyber Spacewar- It escalates

Bill Gertz, 7-30-’13 (lectured on defense, national security, and media issues at the Defense Department’s National Security Leadership Program, Johns Hopkins University School of Advanced International Studies, the FBI National Academy, the National Defense University, and the CIA , media fellow at the Hoover Institution on War, Revolution and Peace at Stanford University, editor of the Washington Free Beacon. Prior to joining the Beacon he was a national security reporter, editor, and columnist for 27 years at the Washington Times. Bill is the author of six books, four of which were national bestsellers. ,“China’s Military Preparing for ‘People’s War’ in Cyberspace, Space” , The Washington Free Bacon, <http://freebeacon.com/china-military-preparing-for-peoples-war-in-cyberspace-space/>)

Translated report reveals high-tech plans for cyber attacks, anti-satellite strikes”, ¶ China’s military is preparing for war in cyberspace involving space attacks on satellites and the use of both military and civilian personnel for a digital “people’s war,” according to an internal Chinese defense report.¶ “As cyber technology continues to develop, cyber warfare has quietly begun,” the report concludes, noting that the ability to wage cyber war in space is vital for China’s military modernization.¶ According to the report, strategic warfare in the past was built on nuclear weapons. “But strategic warfare in the information age is cyber warfare,” the report said.¶ “With the reliance of information warfare on space, cyberspace will surely become a hot spot in the struggle for cyberspace control,” the report said.¶ The new details of Chinese plans for cyber and space warfare were revealed in a report “Study on Space Cyber Warfare” by four engineers working at a Chinese defense research center in Shanghai.¶ The report presents a rare inside look of one of Beijing’s most secret military programs: Cyber warfare plans against the United States in a future conflict.¶ “Cyber warfare is not limited to military personnel. All personnel with special knowledge and skills on information system may participate in the execution of cyber warfare. Cyber warfare may truly be called a people’s warfare,” the report says.¶ People’s War was first developed by China’s Communist founder Mao Zedong as a Marxist-Leninist insurgency and guerrilla warfare concept. The article provides evidence that Chinese military theorists are adapting Mao’s peasant uprising stratagem for a future conflict with the United States.¶ A defense official said the report was recently circulated in military and intelligence circles. Its publication came as a surprise to many in the Pentagon because in the past, U.S. translations of Chinese military documents on similar warfighting capabilities were not translated under a directive from policy officials seeking to prevent disclosure of Chinese military writings the officials feared could upset U.S.-China relations.¶ A Chinese government spokesman could not be reached for comment. However, Chinese spokesmen in the past have denied reports that China engages in cyber attacks.¶ The study links China’s space warfare development programs with its extensive cyber warfare capabilities. Both programs are considered “trump card” weapons that would allow a weaker China to defeat a militarily stronger United States in a conflict.¶ “Cyber warfare is an act of war that utilizes space technology; it combines space technology and cyber technology and maintains and seizes the control of cyberspace,” the study says.¶ Because cyberspace relies on satellites, “space will surely be the main battlefield of cyber warfare,” the report said.¶ Satellites and space vehicles are considered the “outer nodes” of cyber space and “are clear targets for attack and may be approached directly,” the report said, adding that ground-based cyberspace nodes are more concealed and thus more difficult to attack.¶ Additionally, satellites have limited defenses and anti-jamming capabilities, leaving them very vulnerable to attack.¶ The report reveals that China’s military, which controls the country’s rapidly growing space program, is preparing to conduct space-based cyber warfare—“cyber reconnaissance, jamming, and attack”—from space vehicles.¶ Space-based cyber warfare will include three categories: space cyber attack, space cyber defense, and space cyber support. The space cyber support involves reconnaissance, targeting, and intelligence gathering.¶ “A space cyber-attack is carried out using space technology and methods of hard kill and soft kill,” the report said. “It ensures its own control at will while at the same time uses cyberspace to disable, weaken, disrupt, and destroy the enemy’s cyber actions or cyber installations.”

**Extinction**

**Mitchell, et al 01** -Associate Professor of Communication and Director of Debate at the University of Pittsburgh

(Dr. Gordon, ISIS Briefing on Ballistic Missile Defence, “Missile Defence: Trans-Atlantic Diplomacy at a Crossroads”, No. 6 July, <http://www.isisuk.demon.co.uk/0811/isis/uk/bmd/no6.html>)

A buildup of space weapons might begin with noble intentions of 'peace through strength' deterrence, but this rationale glosses over the tendency that '… the presence of space weapons…will result in the increased likelihood of their use'.33 This drift toward usage is strengthened by a strategic fact elucidated by Frank Barnaby: when it comes to arming the heavens, 'anti-ballistic missiles and anti-satellite warfare technologies go hand-in-hand'.34 The interlocking nature of offense and defense in military space technology stems from the inherent 'dual capability' of spaceborne weapon components. As Marc Vidricaire, Delegation of Canada to the UN Conference on Disarmament, explains: 'If you want to intercept something in space, you could use the same capability to target something on land'. 35 To the extent that ballistic missile interceptors based in space can knock out enemy missiles in mid-flight, such interceptors can also be used as orbiting 'Death Stars', capable of sending munitions hurtling through the Earth's atmosphere. The dizzying speed of space warfare would introduce intense 'use or lose' pressure into strategic calculations, with the spectre of split-second attacks creating incentives to rig orbiting Death Stars with automated 'hair trigger' devices. In theory, this automation would enhance survivability of vulnerable space weapon platforms. However, by taking the decision to commit violence out of human hands and endowing computers with authority to make war, military planners could sow insidious seeds of accidental conflict. Yale sociologist Charles Perrow has analyzed 'complexly interactive, tightly coupled' industrial systems such as space weapons, which have many sophisticated components that all depend on each other's flawless performance. According to Perrow, this interlocking complexity makes it impossible to foresee all the different ways such systems could fail. As Perrow explains, '[t]he odd term "normal accident" is meant to signal that, given the system characteristics, multiple and unexpected interactions of failures are inevitable'.36Deployment of space weapons with pre-delegated authority to fire death rays or unleash killer projectiles would likely make war itself inevitable, given the susceptibility of such systems to 'normal accidents'. It is chilling to contemplate the possible effects of a space war. According to retired Lt. Col. Robert M. Bowman, 'even a tiny projectile reentering from space strikes the earth with such high velocity that it can do enormous damage — even more than would be done by a nuclear weapon of the same size!'. 37 In the same Star Wars technology touted as a quintessential tool of peace, defence analyst David Langford sees one of the most destabilizing offensive weapons ever conceived: 'One imagines dead cities of microwave-grilled people'.38 Given this unique potential for destruction, it is not hard to imagine that any nation subjected to space weapon attack would retaliate with maximum force, including use of nuclear, biological, and/or chemical weapons. An accidental war sparked by a computer glitch in space could plunge the world into the most destructive military conflict ever seen.

#### No other country would follow the international norm - Lack of oversight and attribution problems

Tom Gjelten, 12- ’10 (Antioch University New England, “Shadow Wars: Debating Cyber 'Disarmament'”, World Affairs http://www.worldaffairsjournal.org/article/shadow-wars-debating-cyber-disarmament)

But what constitutes an “armed attack” in cyberspace? There are no soldiers crossing borders or shots fired. International law pertaining to the actual conduct of military operations is also unclear. Among the key principles under the Geneva Conventions is that the damage inflicted in a military attack should be “proportional” to the objective and that civilian targets should be avoided. But the application of those principles to cyber war is problematic. A targeting officer can use algorithms to predict the damage that will be caused by a bomb, based on its size, the angle of its approach, and the strength of the target, but an attack on a computer network can have unpredictable second- and third-order effects. The geographic spread of infections from the Stuxnet computer worm suggests that even a cyber weapon with extraordinary targeting capability cannot be easily controlled once it is let loose. Under the Bush administration, little progress was made in the cyber war discussions at the U.N. and elsewhere. Many conservatives had a longstanding aversion to arms control in general, having concluded from experiences with the Soviets during the Cold War that the U.S. military would generally adhere to treaty and legal commitments while its adversaries would not. Among those who question the value of discussing cyber war from a legal or arms control perspective is Stewart Baker, a former general counsel at the National Security Agency and an assistant secretary for policy at the Department of Homeland Security under President George W. Bush. “It is a near certainty that the United States will scrupulously obey whatever is written down,” Baker says, “and it is almost as certain that no one else will.” The U.S. disadvantage would be compounded by the fact that, by most analyses, no other military has such an advanced offensive capability for cyber war. Under a comprehensive cyber arms limitation agreement, the United States would presumably have to accept deep constraints on its use of cyber weapons and techniques. Critics also point to the so-called “attribution problem.” In conventional warfare, an aggressor can quickly be identified, and the responsibility for war crimes or treaty violations can be determined, but an attack on a computer network can be almost impossible to attribute. The use of hijacked “zombie” computers means the geographic origin of an attack may be unclear, as will be the identity of the perpetrator. “Since no one is going to get caught,” says Baker, “to say [a cyber attack] is a violation of the law of war is simply to make the law of war irrelevant.”

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The ultimate goal is to arrive at understandings with the Chinese. As a “senior American official involved in the negotiations” told the paper, “We need to get some norms and rules.”¶ Actually, we have long passed that stage. What we need to do at this point is stop Chinese cyber intrusions, cyber attacks, and cyber espionage, all part of what many suspect to be the most extensive cyber campaign conducted by one country against another¶ Administration officials, according to the Times, say they do not expect the talks will result in an immediate and significant reduction in Chinese attacks. And as Stanford University’s Tim Junio told the AP, “China benefits too much by stealing intellectual property from the US, so it’s really hard to imagine anyone convincing them to slow down.”¶ So what is the purpose of further talks? It’s not as if the Obama administration has not already broached the subject with Beijing. The president and various officials had numerous conversations with the Chinese during the first term, but the attacks increased dramatically in the middle of last year. This year, Treasury Secretary Jack Lew, Secretary of State John Kerry, and Joint Chiefs Chairman Martin Dempsey have all trooped to Beijing to discuss the issue with no apparent result. Despite the persistent effort to establish a cooperative relationship, the People’s Liberation Army reportedly ramped up its cyber attacks sometime around the beginning of April.

#### Dialogue fails- US and China views on cyber capabilities are too far apart to overcome

Diane Bartz and Paul Eckert, 7-14-11 (“U.S. and China face vast divide on cyber issues”, Reuters)

For two years, academic experts from the United States and China have quietly held talks on cyber-security, straining to establish rules of the road in a realm that has proven a persistent irritant between the world's two largest economies.¶ The informal discussions have yielded modest progress in areas such as cooperation to combat Internet fraud, where both Beijing and Washington have an incentive to work together, according to participants.¶ But mostly, the talks appear to have exposed a wide gap between the United States and China over almost everything virtual: policing computer networks, moderating cyber warfare, even controlling information.¶ China's contrasting view of cyber security was made clear as soon as the United States began discussing the need to protect computer networks, James Mulvenon, a China expert at the Defense Group Inc, told a recent Washington conference.¶ China wanted to talk about censorship. "The Chinese came back immediately and said no, no, no, we want to talk about information security, which is both protecting the network and policing the content on the network," Mulvenon said.¶ "Right from the outset, we were talking past one another," he added.

#### Modeling wont solve cyber-attacks from less developed countries

Tom Gjelten, 12- ’10 (Antioch University New England, “Shadow Wars: Debating Cyber 'Disarmament'”, World Affairs http://www.worldaffairsjournal.org/article/shadow-wars-debating-cyber-disarmament)

“Cyber war” was not even part of our lexicon twenty years ago, and governments are still trying to figure out what exactly it might mean. Different ideas of the cyber danger around the world illustrate that countries vary in the way they perceive their own vulnerabilities. In advanced industrial democracies, with power, telecommunications, transportation, finance, and all other systems deeply dependent on data networking, it is not hard to see how a disruption of computer infrastructure could cripple a society. In less developed, less networked, and more insecure countries, however, the cyber battlespace may be associated more with politics than technology. The Internet’s explosive spread means that people can connect and communicate far more easily, exchange ideas, provoke each other, and mobilize for action. “Traditionally reserved and unresponsive governments appear shell-shocked by this powerful technology,” notes a U.S. diplomat with years of negotiating experience. “It enables coalitions of citizens to challenge them for the first time.”

### DEFENSE

#### Defense fails cyber offense is key

Jari Rantapelkonen & Mirva Salminen, ’13 (“THE FOG OF CYBER DEFENCE”, National Defence University Department of Leadership and Military Pedagogy Publication Series 2 Article Collection n:o 10)

Even if we would like to think so, success in the cyber domain is not only a question of defence – at least, not for the nation states. Defence capabilities have to be as preventive as possible in order to reduce the effectiveness of the adversary ́s – whoever it may be – cyber attack. However, despite the best defensive efforts, intrusions will occur. Therefore, one also has to be resilient in the cyber domain, that is, one has to have the ability to withstand attacks and failures, as well as to mitigate harm more than in other domains. The creation of cyber defence capabilities and resilience are pretty easy for the public to accept. Yet, these acts are not enough. Deterrence is also needed, that is, the capabilities and policies to convince the others not to launch a cyber attack against one. Deterrence will only be effective if one can build and demonstrate offensive cyber capabilities. To put this in a clear manner: offensive cyber capabilities are an essential element for the nation-states to succeed in their current and future international and security policies.3 Defence, resilience and offense all contribute to the country’s overall ability to protect herself – one needs them all.

#### Clark and Knake make wild assertions and fear monger

Ashley Frohwein, 12-18- ’12 (“Book Review: Richard A. Clarke and Robert K. Knake’s “Cyber War: The Next Threat to National Security and What to Do About It” (Harper Collins, 2010)”, Global Security Studies, https://blogs.commons.georgetown.edu/globalsecuritystudiesreview/2012/12/18/book-review-richard-a-clarke-and-robert-k-knakes-cyber-war-the-next-threat-to-national-security-and-what-to-do-about-it-harper-collins-2010-2/)

The book’s greatest shortcoming is that it lacks footnotes, endnotes, and an index. Consequently, the credibility of some of the facts and statements is difficult to confirm. Though the authors may be correct in their assertions, the lack of sources does not establish the credibility of the authors’ claims and statements. Indeed, while the authors are engaging and skilled story tellers, at times, their warnings about the dangers of cyber-war border on fear mongering, such as their argument that the vulnerabilities of the internet may even turn copy machines, printers, and shredders into cyber-weapons that could be used by hackers and other cyber-attackers.True, software is highly susceptible to hacking because software and network errors are not always quickly or easily discovered. And yes, there has been a steady increase of cyber-attacks on U.S. industrial and security networks in recent years, but the lack of proven use of cyber-weapons or logic bombs in the United States does not support The authors’ assertions that logic bombs were found “all over our electric grid.” The authors do not provide reliable substantiation to support this statement. To provide backing for their cautions, the authors quote an outdated Time magazine article from 1994 that warned about the dormant logic bomb that could attack the computer system that runs the U.S.’s national air defense system or central bank. Unfortunately, they fail to deliver any evidence that logic bombs have ever been used to attack U.S. critical infrastructure. Of course, the discovery of Stuxnet in June 2010 provides a prime example of the existence of a sophisticated logic bomb that managed to destroy hundreds of centrifuges in the uranium-enrichment facility in Natanz, Iran. The existence of Stuxnet puts Clark and Knake’s assertions about dangers of logic bombs into a new perspective.

#### Eliminating Offensive Cyber operations risks destruction of the economy, national security and war

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¶ [T]he emergence of the Stuxnet worm is the type of risk that threatens to cause harm to many activities deemed critical to the basic functioning of modern society. The Stuxnet worm covertly attempts to iden-tify and exploit equipment that controls a nation's critical infrastructure. A successful attack by a soft-ware application such as the Stuxnet worm could result in manipulation of control system code to the point of inoperability or long-term damage . . . . The resulting damage to the nation's critical infrastruc-ture could threaten many aspects of life, including the government's ability to safeguard national security interests. n9¶ The advent of worms like Stuxnet has demonstrated that actors within the global digital environment possess the capability to "weaponize" software code. By doing this they can seize control of systems and disrupt their operations throughout the world, unconstrained by political and territorial borders. Nations, their militaries, and their economies are vulnerable to ever sophisticated cyber threats. Cyber threats manipulate, alter, degrade or destroy information systems. A cyber threat can manifest itself in many forms from an attack from a foreign nation to espionage to cyber crime and computer viruses. Malicious cyber activities pose a very real and immediate security threat to national security and commerce. Therefore, an appropriate strategic foundation to counter this emerging threat is needed.¶ In developing a strategy responsive to the threat, policymakers and military strategists alike have focused on the central characteristics of the growing cyber environment. U.S. Deputy Secretary of Defense William J. Lynn discussed the Pentagon's new strategy for securing cyberspace. n10 He noted that cyber warfare by design is akin to asymmetric warfare, even when prosecuted by superpowers. U.S. [\*170] policymakers have not adequately addressed this emerging threat environment and adapting a strategic vision to it should be made a top priority.¶ Crafting the ways and means to achieve the desired security end state, however, is complicated. In the asymmetric environment of cyberspace, there are no simple solutions and there are typically more questions than answers. The late Arthur Cebrowski, retired Admiral, U.S. Navy, and a pioneer in cyber analysis agreed with this assessment when he observed, "There is no technology, government policy, law, treaty or program that can stop the acceleration of competi-tion in cyberspace." n11 Low entry costs, evolving technological capabilities, and ease of attack make operation in the cyber domain a basic capability that can be easily achieved by adversaries. As noted by Deputy Secretary William J. Lynn, "Advances in technology have created a situation in which extremely robust capabilities can be developed at considerably low cost." n12¶ The danger and potency of the threat is exacerbated by the very nature of the system one wants to protect. For ex-ample, Internet architecture was designed to be open, collaborative, and rapidly expandable to support ease of use, in-novation, and continued growth. n13 These built-in dynamics of design allowed for a reliable and efficient means to connect disparate networks into a single global system, a "network of networks." In shaping the system, security and identity management considerations were, and continue to be, low priorities. n14 Confronted with an open architecture, net-work defenders must guard against all that is thrown against them while aggressors need only discover one breach in the digital armor for their attack to be successful. n15 It is an overwhelming task. It only takes a scant amount of coding for malware to be successful. n16 To defend against malware, anti-virus companies write millions of lines of code, and spend millions of dollars in research, to detect and counteract malicious script. Malware can be written in as little as twenty-five lines and the result can easily remain viable in the digital environment. n17 Another unique feature of cyber-space is that it defies traditional sovereign borders with relative ease. n18 Geographic and political boundaries are of little consequence. Skilled attackers can hold military or national security systems at risk, but their activities can [\*171] also threaten large portions of private sector networks, regardless of location. n19 The integration of U.S. military and civilian networks complicates defense efforts for U.S. military planners. U.S. Department of Defense (DOD) networks are largely reliant on networks outside of the .mil domain, to include national critical infrastructure. n20 As Professor Eric Talbot Jensen notes:¶ ¶ This near-complete intermixing of civilian and military computer infrastructures makes many of those civilian objects and providers legitimate targets under the law of armed conflict. The current integration of U.S. government assets with civilian systems makes segregation impossible and therefore creates a responsibility for the United States to protect those civilian networks, services, and communications. n21¶ Cyberspace is a domain where information is created, stored, modified, and exploited via interconnected networks. n22 Since it is relatively easy to seize the initiative and launch an attack against an information system, one can consider cyberspace an opportunistic and offense-dominant environment. In an offense-dominant cyber threat environment, a purely defensive or "bunker mentality" cannot keep pace. Static defenses can always be circumvented by ingenuity, tenacity, and technology--common virtues possessed by most skilled cyber operators. Deputy Secretary Lynn recog-nized this fact, stating, "A fortress mentality will not work . . . from a defense point of view it is difficult to protect eve-ry portal. What is needed is a strategy to deny the benefit to the attackers who need only a single point of entry to dis-rupt our systems." n23 Securing the nation's critical infrastructure, its networks and servers, should be an essential consideration of an ef-fective cyber strategy. In order to respond to cyber threats, the DOD developed and announced its first strategy that pro-vides for operational flexibility and adaptability in cyberspace. Released on July 14, 2011, this cyber strategy is entitled "Department of Defense Strategy for Operating in Cyberspace" (hereinafter "Cyber 3.0"). n24 Its central focus is one of deterrence by denial. Cyber 3.0 proposes to make U.S. networks and critical infrastructure more robust, resilient, and redundant, thereby denying the benefit of [\*172] attack. The strategy aims to mitigate vulnerabilities and acknowledg-es the growing cyber threat environment: "The Department and nation have vulnerabilities in cyberspace. Our reliance on cyberspace stands in stark contrast to the inadequacy of our cybersecurity--the security of the technologies that we use each day." n25¶ Cyber 3.0 proposes to employ five initiatives to secure cyberspace. n26 The first is noteworthy for its recognition of cyberspace as an emergent war-fighting domain. n27 As mankind has evolved using first land, then sea, air and space to conduct commerce and compete for resources, conflict has also developed in these domains. As the only man-made and largely privately owned domain, cyberspace is as critical to national security as the other more traditional domains. n28 The first initiative proposes that the military must now be able to defend, deter, and operate within this domain. The second initiative predictably relies on the military developing the ability to respond to cyber attacks as they occur and to employ active defenses before serious damage occurs. n29 The third initiative seeks to ensure that the nation's civilian critical infrastructure is secured and is also able to withstand attacks. n30 Collective defense and deterrence is the fourth initiative. Due to the global and interconnected nature of the Internet, U.S. global allies can offer real-time assistance in detecting, deterring, and responding to attacks. n31 Finally, the fifth initiative proposes to leverage the U.S. technological base, banking on the nation's "geek capital," to assist in the development of cyber defense technologies and training to defeat threats. n32¶ While the introductions of the Cyber 3.0 strategic initiatives are a welcome development, they are incomplete. The strategy's overarching thrust is denying the benefit of an attack rather than penalizing attackers. While Cyber 3.0 dis-cusses the role of the traditional instruments of power, it fails to address the DOD's own core competency--direct mili-tary action. Simply put, the cyber strategy fails to address the application and appropriate use of force in cyberspace.

#### No risk of miscalc- states will step back from the brink, they are willing to sacrififce prestige in order to ensure national survival. Its not just idiots stumbling around not knowing what is going on

#### Every historical example proves rationality prevents miscalc

#### Multiple safeguards prevent accidents and de-targeting means that a weapon would just explode in the ocean

Slocombe, Former Undersecretary of Defense, 9

[Walter, senior advisor for the Coalition Provisional Authority in Baghdad and a former Under Secretary of Defense for Policy, he is a four-time recipient of an award for Distinguished Public Service and a member of the Council on Foreign Relations, “De-Alerting: Diagnoses, Prescriptions, and Side-Effects,” Presented at the seminar on Re-framing De-Alert: Decreasing the Operational Readiness of Nuclear Weapons Systems in the US-Russia Context in Yverdon, Switzerland, June 21-23 http://www.ewi.info/system/files/Slocombe.pdf]

Let’s start with Technical Failure – the focus of a great deal of the advocacy, or at least of stress on past incidents of failures of safety and control mechanisms.4 Much of the “de-alerting” literature points to a succession of failures to follow proper procedures and draw from that history the inference that a relatively simple procedural failure could produce a nuclear detonation. The argument is essentially that nuclear weapons systems are sufficiently susceptible of pure accident (including human error or failure at operational/field level) that it is essential to take measures that have the effect of making it necessary to undertake a prolonged reconfiguration of the elements of the nuclear weapons force for a launch or detonation to be physically possible. Specific measures said to serve this objective include separating the weapons from their launchers, burying silo doors, removal of fuzing or launching mechanisms, deliberate avoidance of maintenance measures need to permit rapid firing, and the like. . My view is that this line of action is unnecessary in its own terms and highly problematic from the point of view of other aspects of the problem and that there is a far better option that is largely already in place, at least in the US force – the requirement of external information – a code not held by the operators -- to arm the weapons. Advocates of other, more “physical,” measures often describe the current arrangement as nuclear weapons being on a “hair trigger.” That is – at least with respect to US weapons – a highly misleading characterization. The “hair trigger” figure of speech confuses “alert” status – readiness to act quickly on orders -- with susceptibility to inadvertent action. The “hair trigger” image implies that a minor mistake – akin to jostling a gun – will fire the weapon. The US StratCom commander had a more accurate metaphor when he recently said that US nuclear weapons are less a pistol with a hair trigger than like a pistol in a holster with the safety turned on – and he might have added that in the case of nuclear weapons the “safety” is locked in place by a combination lock that can only be opened and firing made possible if the soldier carrying the pistol receives a message from his chain of command giving him the combination. Whatever other problems the current nuclear posture of the US nuclear force may present, it cannot reasonably be said to be on a “hair trigger.” Since the 1960s the US has taken a series of measures to insure that US nuclear weapons cannot be detonated without the receipt of both external information and properly authenticated authorization to use that information. These devices – generically Permissive Action Links or “PALs” – are in effect combination locks that keep the weapons locked and incapable of detonation unless and until the weapons’ firing mechanisms have been unlocked following receipt of a series of numbers communicated to the operators from higher authority. Equally important in the context of a military organization, launch of nuclear weapons (including insertion of the combinations) is permitted only where properly authorized by an authenticated order. This combination of reliance on discipline and procedure and on receipt of an unlocking code not held by the military personnel in charge of the launch operation is designed to insure that the system is “fail safe,” i.e., that whatever mistakes occur, the result will not be a nuclear explosion. Moreover, in recent years, both the US and Russia, as well as Britain and China, have modified their procedures so that even if a nuclear-armed missile were launched, it would go not to a “real” target in another country but – at least in the US 6 case - to empty ocean. In addition to the basic advantage of insuring against a nuclear detonation in a populated area, the fact that a missile launched in error would be on flight path that diverged from a plausible attacking trajectory should be detectable by either the US or the Russian warning systems, reducing the possibility of the accident being perceived as a deliberate attack. De-targeting, therefore, provides a significant protection against technical error.5 These arrangements – PALs and their equivalents coupled with continued observance of the agreement made in the mid-90s on “de-targeting” – do not eliminate the possibility of technical or operator-level failures, but they come very close to providing absolute assurance that such errors cannot lead to a nuclear explosion or be interpreted as the start of a deliberate nuclear attack.6 The advantage of such requirements for external information to activate weapons is of course that the weapons remain available for authorized use but not susceptible of appropriation or mistaken use.

### SOP

**No impact to interbranch conflict – Obama fights with Congress and republicans a lot – it’s empirically denied**

#### Interbranch conflict is an inevitable part of our political system

Zeisberg 2004(Mariah, Ph.D. Candidate in Politics at Princeton, Last Date Cited, “Interbranch Conflict and Constitutional Maintenance: the Case of War Powers",www.brown.edu/Research/ppw/files/Zeisberg%20Ch5.doc)

It is frequent for people to speak of the independent branches as systems of ‘separated powers.’ This can be misleading. Richard Neustadt, among others, has pointed out the inaccuracy of the term: he wrote, “[t]he Constitutional Convention of 1787 is supposed to have created a government of ‘separated powers.’ It did nothing of the sort. Rather, it created a government of separated institutions sharing powers.” I agree that the formulation of ‘separated powers’ is misleading. At best, the idea of separated powers is a simple misnomer whose deleterious consequences can be overcome by the invocation of other concepts of constitutional relationship, like ‘checks-and-balances.’ At worst, the concept of separated powers implies an authority by each branch ultimately reviewable only by the electorate, not by the other branches. ¶ Much of the ‘separation of powers’ dispute hinges on our definition of the branches’ “powers.” If we speak simply of the government’s power to make war, it is clear that this is a power shared by both the executive and Congress. To speak plainly, government simply cannot make war without the cooperation of these two branches. In fact, all of the sovereign powers of government—the power to regulate commerce, the power to tax, the power to convict and imprison criminals—all of these powers require the participation of more than one branch. ¶ We can also understand ‘powers’ more abstractly, as, for example, the power to decide general matters of public policy, the power to judge whether general determinations of law apply to particular people, or the power to disburse government funds. This is the understanding of power which lies behind classical doctrines of separated powers, and behind separation of powers jurisprudence at its best. On this understanding of power, the legislature makes law, the president implements law, and the judiciary decides on whether the law applies to particular individuals. And on this understanding, the distinctiveness of the capacities of the various branches is indeed significant. However, it is worth noting that even on this understanding, the American Constitution manifests significant departures from classical separation of powers theory. The executive can propose legislation, veto bills, call Congress into special session, and adjourn the houses under certain circumstances. Executive orders provide a significant locus for executive ‘lawmaking,’ especially with the rise of the administrative state, where so many of the government’s activities are conducted under the umbrella of the executive. Congress creates every executive office and agency, establishes lines of authority within the executive branch, and shares in the appointments power; and both the legislature and executive share in some judicial powers, the executive through his pardon power, his initiation of law suits, and his defense of the government when it is sued; and the legislature most especially through appointments and impeachments.. The courts exercise legislative and executive authority in their capacity to rectify legal wrongs through their equitable powers. Madison describes this pattern as “partial agency in, or . . . controul over the acts of each other.” The departures from classical separation of powers theory are meant to bring the branches into greater relationship with each other then they would otherwise be; to protect the integrity of each branch’s authority; and to ensure that the different branches have the capacity to review and evaluate each other’s actions.¶ This pattern, then, is a final noteworthy condition: their powers bring the branches into relationship with one another, activating the potential of their independent sources of authority and distinctive perspectives to bring them into conflict. These conditions mean that the possibility for interbranch conflict is endemic to American politics. The branches cannot destroy each other; and if officials within the branches care about making their political commitments operative, they cannot ignore each other. Because these conditions taken together are what activate the possibility for interbranch conflict, I will call them the conditions of conflict.

**Multipolarity’s inevitable – economic realities make hegemony unsustainable.**

**Layne 12** [Christopher Layne is professor and Robert M. Gates Chair in National Security at Texas A & M University’s George H. W. Bush School of Government and Public Service. His next book, for Yale University Press, is After the Fall: International Politics, U.S. Grand Strategy, and the End of the Pax Americana. The (Almost) Triumph of Offshore Balancing January 27, 2012 http://nationalinterest.org/commentary/almost-triumph-offshore-balancing-6405?page=1]

The DSG is a response to two drivers. First, the United States is in economic decline and will face a **serious fiscal crisis** **by the end of this decade.** As President Obama said, the DSG reflects the need to “put our fiscal house in order here at home and renew our long-term economic strength.” The **best indicators** of U.S. decline are its GDP relative to potential competitors and its share of world manufacturing output. China’s manufacturing output has now edged past that of the United States and accounts for just over 18 or 19 percent of world manufacturing output. With respect to GDP, virtually all leading economic forecasters agree that, measured by market-exchange rates, China’s aggregate GDP will exceed that of the United States by the end of the current decade. Measured by purchasing-power parity, some leading economists believe China already is the world’s number-one economy. Clearly, China is on the verge of overtaking the United States economically. At the end of this decade, when the ratio of U.S. government debt to GDP is likely to exceed the danger zone of 100 percent, the United States will face a severe fiscal crisis. In a June 2011 report, the Congressional Budget Office warned that unless Washington drastically slashes expenditures—including on entitlements and defense—and raises taxes, it is headed for a fiscal train wreck. Moreover, concerns about future inflation and America’s ability to repay its debts could imperil the U.S. dollar’s reserve-currency status. That currency status allows the United States to avoid difficult “guns-or-butter” trade-offs and live well beyond its means while enjoying entitlements at home and geopolitical preponderance abroad. But that works only so long as foreigners are willing to lend the United States money. Speculation is now commonplace about the dollar’s long-term hold on reserve-currency status. It would have been unheard of just a few years ago. The second driver behind the new Pentagon strategy is the shift in global wealth and power from the Euro-Atlantic world to Asia. As new great powers such as China and, eventually, India emerge, important regional powers such as Russia, Japan, Turkey, Korea, South Africa and Brazil will assume more prominent roles in international politics. Thus, the post-Cold War “unipolar moment,” when the United States commanded the global stage as the “sole remaining superpower,” will be **replaced by a multipolar** international **system.** The Economist recently projected that China’s defense spending will equal that of the United States by 2025. By the middle or end of the next decade, China will be positioned to shape a new international order based on the rules and norms that it prefers—and, perhaps, to provide the international economy with a new reserve currency.

**Heg doesn’t solve conflict.**

**Fettweis 11** [Christopher, Prof. of Political Science – Tulane, Dangerous Times?: The International Politics of Great Power Peace Page 73-6]

The primary attack on restraint, or justification for internationalism, posits that if the United Stets were to withdraw from the world, a variety of ills would sweep over key regions and eventually pose threats to U.S. security and/or prosperity, nese problems might take three forms (besides the obvious, if remarkably unlikely, direct threats to the homeland): generalized chaos, hostile imbalances in Eurasia, and/or failed states. Historian Arthur Schlesinger was typical when he worried that restraint would mean "a chaotic, violent, and ever more dangerous planet."69 All of these concerns either implicitly or explicitly assume that the presence of the United States is the primary reason for international stability, and if that presence were withdrawn chaos would ensue. In other words, they depend upon hegemonic-stability logic. Simply stated, the hegemonic stability theory proposes that international peace is only possible when there is one country strong enough to make and enforce a set of rules. At the height of Pax Romana between 27 BC and 180 AD, for ex¬ample, Rome was able to bring unprecedented peace and security to the Mediterranean. The Pax Britannica of the nineteenth century brought a level of stabil¬ity to the high seas. Perhaps the current era is peaceful because the United States has established a de facto Pax Americana where no power is strong enough to challenge its dominance, and because it has established a set of rules that are gen¬erally in the interests of all countries to follow. Without a benevolent hegemon, some strategists fear, instability may break out around the globe.70 Unchecked conflicts could cause humanitarian disaster and, in today's interconnected world, economic turmoil that would ripple throughout global financial markets. If the United States were to abandon its commitments abroad, argued Art, the world would "become a more dangerous place" and, sooner or later, that would "re¬dound to America's detriment."71 If the massive spending that the United States engages in actually provides stability in the international political and economic systems, then perhaps internationalism is worthwhile. There are good theoretical and empirical reasons, however, to believe that US **hegemony is not the** primary **cause of** the current era of s**tability**. First of all, the hegemonic-stability argument overstates the role that the United States plays in the system. No country is strong enough to police the world on its own. The only way there can be stability in the community of great powers is if self-policing occurs, if states have decided that their interests are served by peace. If no pacific normative shift had occurred among the great powers that was filtering down through the system, then no amount of international constabulary work by the United States could maintain stability. Likewise, if it true that such a shift has occurred, then most of what the hegemon spends to bring stability would be wasted. The 5 percent of the world's population that 2\* m the United States simply could not force peace upon an unwilling 95. At the nsk of beating the metaphor to death, the United States may be patrolling a neighborhood that has **already rid itself of crime.** Stability and unipolarity may besimply coincidental., order for U.S. hegemony to be the reason for global stability, the rest ome World would have to expect reward for good behavior and fear punishment to/ bad. Since the end of the Cold War, the United States has not always proven to be especially eager to engage in humanitarian interventions abroad. Even rather incontrovertible evidence of genocide has not been sufficient to inspire action. Hegemonic stability can only take credit for influencing those decisions that would have ended in War without the presence, whether physical or psychologi-cal, of the United States. Ethiopia and Eritrea are hardly the only states that could go to War without the slightest threat of U.S. intervention. Since most of the world today is free to fight without U.S. involvement, something else must be at work. Stability exists in many places where no hegemony is present. Second, the limited **empirical evidence** we have suggests that there is **little connection** between the relative level of U.S. activism and international stability. During the 1990s the United States cut back on its defense spending fairly substantially. By 1998 the United States was spending $100 billion less on de¬fense in real terms than it had in 1990.72 To internationalists, defense hawks, and other believers in hegemonic stability, this irresponsible "peace dividend" endangered both national and global security. "No serious analyst of American military capabilities," argued Kristol and Kagan, "doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace."73 If the pacific trends were due not to U.S. hegemony but a strengthening norm against interstate War, however, one would not have expected an increase in global instability and violence. The verdict from the past two decades is fairly plain: The world grew more peaceful while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable Pentagon, or at least none took any action that would suggest such a belief. **No militaries were enhanced to address power vacuums; no security dilemmas drove mistrust and arms races; no re-gional balancing occurred** once the stabilizing presence of the U.S. military was diminished. The rest of the world acted as if the threat of international War was not a pressing concern, despite the reduction in U.S. capabilities. The incidence and magnitude of global conflict **declined** while the United States cut its military spending under President Clinton, and it kept declining as the Bush Administra-tion ramped spending back up. No complex statistical analysis should be neces-sary to reach the conclusion that the two are unrelated. It is also worth noting for our purposes that the United States was no less safe. Military spending figures by themselves are insufficient to disprove a con- nection between overall U.S. actions and international stability. One could pre- sumably argue that spending is not the only, or even the best, indication of he- LTm? T 15 inSt6ad US" foreign Political and security commitments Zcre7Tn I ^ ndther was -gnificantly altered during this period, mcreased conflict should not have been expected. Alternately, advocates of heg¬emonic stability could believe that relative rather than absolute spending is de¬cisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, even if it were true that either U.S. commitments or relative spend-ing accounts for international pacific trends, the 1990s make it obvious that stability can be sustained at drastically lower levels. In other words, even if one believes that there is a level of engagement below which the United States cannot drop without imperiling global stability, a rational grand strategist would still cut back on engagement (and spending) until that level is determined. As of now, we have no idea how cheap hegemonic stability could be, or if a low point exists at all. Since the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment, engagement should be scaled back until that level is determined. Grand strategic decisions are never final; continual adjustments can and must be made as time goes on. And if the constructivist interpretation of events is correct and the global peace is inher-ently stable, no increase in conflict would ever occur, irrespective of U.S. spend-ing, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expec-tations had been fulfilled. If increases in conflict would have been interpreted as evidence for the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the ordy data we have regarding the likely systemic reaction to a more restrained United States suggests that current peaceful trends are unrelated to U.S. military pending. Evidently the rest of the world can operate quite effectively without ^e presence of a global policeman. Those who think otherwise base their view on faith alone. tf the only thing standing between the world and chaos is the U.S. military Presence, then an adjustment in grand strategy would be exceptionally counter-productive. But it is worth recalling that none of the other explanations for the decline of War—**nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms** necessitate an activist America to maintain their validity. Were America to be-co\*e more restrained, nuclear weapons would still affect the calculations of the would-be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy Peacekeepers where necessary; and democracy would not shrivel where it cur-\*7 exis\*s. Most importantly, the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world would be virtually risk-free. Finally, some analysts have worried that a de facto surrender of U.S. hege¬mony would lead to a rise of Chinese influence. Indeed, China is the only other major power that has increased its military spending since the end of the Cold War, even if it is still a rather low 2 percent of its GDP. Such levels of effort do not suggest a desire to compete with, much less supplant, the United States. The much-ballyhooed decade-long military buildup has brought Chinese spending up to approximately one-tenth the level of that of the United States. It is hardly clear that restraint on the part of the United States would invite Chinese global dominance. Bradley Thayer worries that Chinese would become "the language of diplomacy, trade and commerce, transportation and navigation, the internet, world sport, and global culture," and that Beijing would come to "dominate sci¬ence and technology, in all its forms" to the extent that soon the world would witness a Chinese astronaut who not only travels to the Moon, but "plants the communist flag on Mars, and perhaps other planets in the future."74 Fortunately one need not ponder for too long the horrible specter of a red flag on Venus, since on the planet Earth, where War is no longer the dominant form of conflict resolution, the threats posed by even a rising China would not be terribly dire. The dangers contained in the terrestrial security environment are less frightening than ever before, no matter which country is strongest.

**Retrenchment solves war.**

**MacDonald and Parent 11** [Paul K. MacDonald is Assistant Professor of Political Science at Williams College. Joseph M. Parent is Assistant Professor of Political Science at the University of Miami. The Surprising Success of Great Power Retrenchment International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

Contrary to these predictions, our analysis suggests some grounds for opti- mism. Based on the historical track record of great powers facing acute relative decline, the United States should be able to retrench in the coming decades. In the next few years, the United States is ripe to overhaul its military, shift bur- dens to its allies, and work to decrease costly international commitments. It is likely to initiate and become embroiled in **fewer militarized disputes** than the average great power and to settle these disputes more amicably. Some might view this prospect with apprehension, fearing the steady erosion of U.S. credi- bility. Yet our analysis suggests that retrenchment need not signal weakness. Holding on to exposed and expensive commitments simply for the sake of one’s reputation is a **greater geopolitical gamble** than withdrawing to cheaper, more defensible frontiers. Some observers might dispute our conclusions, arguing that hegemonic transitions are more conºict prone than other moments of acute relative de- cline. We counter that there are deductive and empirical reasons to doubt this argument. Theoretically, hegemonic powers should actually find it easier to manage acute relative decline. Fallen hegemons **still have formidable capabil- ity**, which threatens grave harm to any state that tries to cross them. Further, they are no longer the top target for balancing coalitions, and recovering hegemons may be influential because they can play a pivotal role in alliance formation. In addition, hegemonic powers, almost by definition, possess more extensive overseas commitments; they should be able to more readily identify and eliminate extraneous burdens without exposing vulnerabilities or exciting domestic populations. We believe **the empirical record supports these conclusions.** In particular, periods of hegemonic transition do not appear more conflict prone than those of acute decline. The last reversal at the pinnacle of power was the Anglo- American transition, which took place around 1872 and was resolved without armed confrontation. The tenor of that transition may have been inºuenced by a number of factors: both states were democratic maritime empires, the United States was slowly emerging from the Civil War, and Great Britain could likely coast on a large lead in domestic capital stock. Although China and the United States differ in regime type, similar factors may work to cushion the impend- ing Sino-American transition. Both are large, relatively secure continental great powers, a fact that mitigates potential geopolitical competition.93 China faces a variety of domestic political challenges, including strains among rival regions, which may complicate its ability to sustain its economic performance or en- gage in foreign policy adventurism.94 Most important, the United States is not in free fall. Extrapolating the data into the future, we anticipate the United States will experience a “moderate” decline, losing from 2 to 4 percent of its share of great power GDP in the five years after being surpassed by China sometime in the next decade or two.95 Given the relatively gradual rate of U.S. decline relative to China, the incen- tives for either side to run risks by courting conflict are minimal. The United States would still possess upwards of a third of the share of great power GDP, and would have little to gain from provoking a crisis over a peripheral issue. Conversely, China has few incentives to exploit U.S. weakness.96 Given the im- portance of the U.S. market to the Chinese economy, in addition to the critical role played by the dollar as a global reserve currency, it is unclear how Beijing could hope to consolidate or expand its increasingly advantageous position through direct confrontation. In short, the United States should be able to reduce its foreign policy com- mitments in East Asia in the coming decades without inviting Chinese expan- sionism. Indeed, there is evidence that a policy of retrenchment could reap potential beneªts. The drawdown and repositioning of U.S. troops in South Korea, for example, rather than fostering instability, has resulted in an im- provement in the occasionally strained relationship between Washington and Seoul.97 U.S. moderation on Taiwan, rather than encouraging hard-liners in Beijing, resulted in an improvement in cross-strait relations and reassured U.S. allies that Washington would not inadvertently drag them into a Sino-U.S. conºict.98 Moreover, Washington’s support for the development of multilateral security institutions, rather than harming bilateral alliances, could work to en- hance U.S. prestige while embedding China within a more transparent re- gional order.99 A policy of gradual retrenchment need not undermine the credibility of U.S. alliance commitments or unleash destabilizing regional security dilemmas. In- deed, even if Beijing harbored revisionist intent, it is unclear that China will have the force projection capabilities necessary to take and hold additional ter- ritory.100 By incrementally shifting burdens to regional allies and multilateral institutions, the United States can **strengthen the credibility of its core commit- ments** while accommodating the interests of a rising China. Not least among the beneªts of retrenchment is that it helps **alleviate an unsustainable finan- cial position**. Immense forward deployments will only **exacerbate U.S. grand strategic problems and risk unnecessary clashes.**101

**Hegemony spurs proliferation.**

**Monteiro 12** [Nuno P., Assistant Professor of Political Science at Yale University. Unrest Assured Why Unipolarity Is Not Peaceful, International Security Volume 36, Number 3, Winter 2011/12]

What, then, is the value of unipolarity for the unipole? What can a unipole do that a great power in bipolarity or multipolarity cannot? My argument hints at the possibility that—at least in the security realm—unipolarity does not give the unipole greater influence over international outcomes.118 If unipolarity provides structural incentives for nuclear proliferation, it may, as Robert Jervis has hinted, “have within it the seeds if not of its own destruction, then at least of its modification.”119 For Jervis, “[t]his raises the question of what would remain of a unipolar system in a proliferated world. The American ability to coerce others would decrease but so would its need to defend friendly powers that would now have their own deterrents. The world would still be unipolar by most measures and considerations, but many countries would be able to protect themselves, perhaps even against the superpower. . . . In any event, the polarity of the system may become less important.”120 At the same time, nothing in my argument determines the decline of U.S. power. The level of conflict entailed by the strategies of defensive dominance, offensive dominance, and disengagement may be acceptable to the unipole and have only a marginal effect on its ability to maintain its preeminent position. Whether a unipole will be economically or militarily overstretched is an empirical question that depends on the magnitude of the disparity in power between it and major powers and the magnitude of the conflicts in which it gets involved. Neither of these factors can be addressed a priori, and so a theory of unipolarity must acknowledge the possibility of frequent conflict in a nonetheless durable unipolar system. Finally, my argument points to a “paradox of power preponderance.”121 By [End Page 39] putting other states in extreme self-help, a systemic imbalance of power requires the unipole to act in ways that minimize the threat it poses. **Only by exercising great restraint can it avoid** being involved in **wars.** If the unipole fails to exercise restraint, other states will develop their capabilities, **including nuclear weapons—restraining it all the same.**122 Paradoxically, then, more relative power does not necessarily lead to greater influence and a better ability to convert capabilities into favorable outcomes peacefully. In effect, unparalleled relative power requires unequaled self-restraint. [End Page 40]

#### Prolif incentivizes aggression – that causes regional instability and increased conventional wars which escalate to global nuclear war

Matthew Kroenig, Professor of Government at Georgetown and Fellow at CFR specializing in Nuclear Security, 5-26-2012, “The History of Proliferation Optimism: Does It Have A Future?” Nonproliferation Policy Education Center, http://www.npolicy.org/article.php?aid=1182andrtid=2

Regional instability: The spread of nuclear weapons also emboldens nuclear powers contributing to regional instability. States that lack nuclear weapons need to fear direct military attack from other states, but states with nuclear weapons can be confident that they can deter an intentional military attack, giving them an incentive to be more aggressive in the conduct of their foreign policy. In this way, nuclear weapons provide a shield under which states can feel free to engage in lower-level aggression. Indeed, international relations theories about the “stability-instability paradox” maintain that stability at the nuclear level contributes to conventional instability.[64] Historically, we have seen that the spread of nuclear weapons has emboldened their possessors and contributed to regional instability. Recent scholarly analyses have demonstrated that, after controlling for other relevant factors, nuclear-weapon states are more likely to engage in conflict than nonnuclear-weapon states and that this aggressiveness is more pronounced in new nuclear states that have less experience with nuclear diplomacy.[65] Similarly, research on internal decision-making in Pakistan reveals that Pakistani foreign policymakers may have been emboldened by the acquisition of nuclear weapons, which encouraged them to initiate militarized disputes against India.[66] Currently, Iran restrains its foreign policy because it fears a major military retaliation from the United States or Israel, but with nuclear weapons it could feel free to push harder. A nuclear-armed Iran would likely step up support to terrorist and proxy groups and engage in more aggressive coercive diplomacy. With a nuclear-armed Iran increasingly throwing its weight around in the region, we could witness an even more crisis prone Middle East. And in a poly-nuclear Middle East with Israel, Iran, and, in the future, possibly other states, armed with nuclear weapons, any one of those crises could result in a catastrophic nuclear exchange. Nuclear proliferation can also lead to regional instability due to preventive strikes against nuclear programs. States often conduct preventive military strikes to prevent adversaries from acquiring nuclear weapons. Historically, the United States attacked German nuclear facilities during World War II, Israel bombed a nuclear reactor in Iraq in 1981, Iraq bombed Iran’s Bushehr reactors in the Iran-Iraq War in the 1980s and Iran returned the favor against an Iraqi nuclear plant, a U.S.-led international coalition destroyed Iraq’s nuclear infrastructure in the first Gulf War in 1991, and Israel bombed a Syrian nuclear reactor in 2007. These strikes have not led to extensive conflagrations in the past, but we might not be so lucky in the future. At the time of writing in 2012, the United States and Israel were polishing military plans to attack Iran’s nuclear program and some experts maintain that such a strike could very well lead to a wider war in the Middle East.