# 1nc

### 1

#### The aff is not topical --- introducing armed forces only refers to human troops, not weapons systems such as nuclear weapons --- prefer our interpretation because it’s based on textual analysis, legislative history, and intent of the WPR

Lorber 13 – Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. January 2013, "Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?" University of Pennsylvania Journal of Contsitutional Law, 15 U. Pa. J. Const. L. 961, lexis nexis

As is **evident from a** textual analysis, n177 an examination of the legislative history, n178 and **the broad** policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that **only members of the armed forces count for the purposes of the definition under the WPR.** Though not dispositive, **the term "member" connotes a human individual who is part of an organization.** n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that **expression of one thing (i.e., members) implies the exclusion of others (**such as non-members **constituting armed forces)**. n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ **An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces**. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that **Congress conceptualized "armed forces" to mean U.S. combat troops.**¶ **The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities**. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). **Applied to offensive cyber operations, such a definition leads to the conclusion that the** W**ar** P**owers** R**esolution likely does not cover such activities**. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, **individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities.** Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### Vote negative for predictable limits --- nuclear weapons is a whole topic on its own --- requires research into a whole separate literature base --- undermines preparedness for all debates.

### 2

#### Using national security to justify restraints on the executive is self-defeating. Security discourse consolidates authoritarian politics.

RANA 11

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Today politicians and legal scholars routinely invoke fears that the balance between liberty and security has swung drastically in the direction of government’s coercive powers. In the post-September 11 era, such worries are so commonplace that in the words of one commentator, “it has become part of the drinking water of this country that there has been a trade-off of liberty for security.”1 According to civil libertarians, centralizing executive power and removing the legal constraints that inhibit state violence (all in the name of heightened security) mean the steady erosion of both popular deliberation and the rule of law. For Jeremy Waldron, current practices, from coercive interrogation to terrorism surveillance and diminished detainee rights, provide government the ability not only to intimidate external enemies but also internal dissidents and legitimate political opponents. As he writes, “We have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies.”2 Especially disconcerting for many commentators, executive judgments—due to fears of infiltration and security leaks—are often cloaked in secrecy. This lack of transparency undermines a core value of democratic decisionmaking: popular scrutiny of government action. As U.S. Circuit Judge Damon Keith famously declared in a case involving secret deportations by the executive branch, “Democracies die behind closed doors. . . . When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”3 In the view of no less an establishment figure than Neal Katyal, now the Principal Deputy Solicitor General, such security measures transform the current presidency into “the most dangerous branch,” one that “subsumes much of the tripartite structure of government.”4 Widespread concerns with the government’s security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. What is remarkable about these reform efforts is that, every generation, critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis.5 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action.6 More recently, Bruce Ackerman has defended the need for an “emergency constitution” premised on congressional oversight and procedurally specified practices.7 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book The Imperial Presidency (1973), that the courts “had to reclaim their own dignity and meet their own responsibilities” by abandoning deference and by offering a meaningful check to the political branches.8 Today, Lawrence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can “generate[]—even if largely (or, at times, only) in eloquent and cogently reasoned dissent—an apt language for potent criticism.”9 The hope—returned to by constitutional scholars for decades—has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result has primarily been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books to the postSeptember 11 and Iraq War Authorizations for the Use of Military Force to the Detainee Treatment Act and the Military Commissions Acts), this has often entailed Congress self-consciously playing the role of junior partner—buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics.10 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments.11 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today’s scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures. What explains both the persistent expansion of the federal government’s security framework as well as the inability of civil libertarian solutions to curb this expansion? In this article I argue that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains. Yet, while underlying assumptions about popular knowledge—its strengths and limitations—have played a key role in shaping security practices in each era of American constitutional history, this role has not been explored in any sustained way in the scholarly literature. As an initial effort to delineate the relationship between knowledge and security, I will argue that throughout most of the American experience, the dominant ideological perspective saw security as grounded in protecting citizens from threats to their property and physical well-being (especially those threats posed by external warfare and domestic insurrection). Drawing from a philosophical tradition extending back to John Locke, politicians and thinkers—ranging from Alexander Hamilton and James Madison at the founding to Abraham Lincoln and Roger Taney—maintained that most citizens understood the forms of danger that imperiled their physical safety. The average individual knew that securing collective life was in his or her own interest, and also knew the institutional arrangements and practices that would fulfill this paramount interest. A widespread knowledge of security needs was presumed to be embedded in social experience, indicating that citizens had the skill to take part in democratic discussion regarding how best to protect property or to respond to forms of external violence. Thus the question of who decides was answered decisively in favor of the general public and those institutions—especially majoritarian legislatures and juries—most closely bound to the public’s wishes. What marks the present moment as distinct is an increasing repudiation of these assumptions about shared and general social knowledge. Today the dominant approach to security presumes that conditions of modern complexity (marked by heightened bureaucracy, institutional specialization, global interdependence, and technological development) mean that while protection from external danger remains a paramount interest of ordinary citizens, these citizens rarely possess the capacity to pursue such objectives adequately. Rather than viewing security as a matter open to popular understanding and collective assessment, in ways both small and large the prevailing concept sees threat as sociologically complex and as requiring elite modes of expertise. Insulated decision-makers in the executive branch, armed with the specialized skills of the professional military, are assumed to be best equipped to make sense of complicated and often conflicting information about safety and self-defense.12 The result is that the other branches—let alone the public writ large—face a profound legitimacy deficit whenever they call for transparency or seek to challenge presidential discretion. Not surprisingly, the tendency of procedural reform efforts has been to place greater decision-making power in the other branches and then to watch those branches delegate such power back to the very same executive bodies. How did the governing, expertise-oriented concept of security gain such theoretical and institutional dominance and what alternative formulations exist to challenge its ideological supremacy? In offering an answer to these questions, I begin in Part II by examining the principal philosophical alternatives that existed prior to the emergence of today’s approach, one of which grounded early American thought on security issues. I refer to these alternatives in the Anglo-American tradition as broadly ‘Hobbesian’ and ‘Lockean’ and develop them through a close reading of the two thinkers’ accounts of security. For all their internal differences, what is noteworthy for my purposes is that each approach rejected the idea—pervasive at present—that there exists a basic divide between elite understanding and mass uncertainty. In other words, John Locke and even Thomas Hobbes (famous as the philosopher of absolutism) presented accounts of security and self-defense that I argue were normatively more democratic than the current framework. Part III will then explore how the Lockean perspective in particular took constitutional root in early American life, focusing especially on the views of the founders and on the intellectual and legal climate in the mid nineteenth century. In Part IV, I will continue by detailing the steady emergence beginning during the New Deal of our prevailing idea of security, with its emphasis on professional expertise and insulated decision-making. This discussion highlights the work of Pendleton Herring, a political scientist and policymaker in the 1930s and 1940s who co-wrote the National Security Act of 1947 and played a critical role in tying notions of elite specialization to a new language of ‘national security.’ Part V will then show how Herring’s ‘national security’ vision increasingly became internalized by judicial actors during and after World War II. I argue that the emblematic figure in this development was Supreme Court Justice Felix Frankfurter, who not only defended security expertise but actually sought to redefine the very meaning of democracy in terms of such expertise. For Frankfurter, the ideal of an ‘open society’ was one premised on meritocracy, or the belief that decisions should be made by those whose natural talents make them most capable of reaching the technically correct outcome. According to Frankfurter, the rise of security expertise meant the welcome spread of meritocratic commitments to a critical and complex arena of policymaking. In this discussion, I focus especially on a series of Frankfurter opinions, including in Ex parte Quirin (1942), Hirabayashi v. United States (1943), Korematsu v. United States (1944), and Youngstown Steel & Tube Co. v. Sawyer (1952), and connect these opinions to contemporary cases such as Holder v. Humanitarian Law Project (2010). Finally, by way of conclusion, I note how today’s security concept—normatively sustained by Frankfurter’s judgments about merit and elite authority—shapes current discussions over threat and foreign policy in ways that often inhibit rather than promote actual security. I then end with some reflections on what would be required to alter governing arrangements. As a final introductory note, a clarification of what I mean by the term ‘security’ is in order. Despite its continuous invocation in public life, the concept remains slippery and surprisingly under-theorized. As Jeremy Waldron writes, “Although we know that ‘security’ is a vague and ambiguous concept, and though we should suspect that its vagueness is a source of danger when talk of trade-offs is in the air, still there has been little or no attempt in the literature of legal and political theory to bring any sort of clarity to the concept.”13 As a general matter, security refers to protection from those threats that imperil survival—both of the individual and of a given society’s collective institutions or way of life. At its broadest, these threats are multidimensional and can result from phenomena as wide-ranging as environmental disasters or food shortages. Thus, political actors with divergent ideological commitments defend the often competing goals of social security, economic security, financial security, collective security, human security, food security, environmental security, and—the granddaddy of them all—national security. But for my purposes, when invoked without any modifier the word ‘security’ refers to more specific questions of common defense and physical safety. These questions, emphasizing issues of war and peace, are largely coterminous with what Franklin Delano Roosevelt famously referred to in his “Four Freedoms” State of the Union Adresss as “the freedom from fear”: namely ensuring that citizens are protected from external and internal acts of “physical aggression.”14 This definitional choice is meant to serve two connected theoretical objectives. First, as a conceptual matter it is important to keep the term security analytically separate from ‘national security’—a phrase ubiquitous in current legal and political debate. While on the face of it, both terms might appear synonymous, my claim in the following pages is that ‘national security’ is in fact a relatively novel concept, which emerged in the mid twentieth century as a particular vision of how to address issues of common defense and personal safety. Thus national security embodies only one of a number of competing theoretical and historical approaches to matters of external violence and warfare. Second, and relatedly, it has become a truism in political philosophy that the concept of liberty is plural and multifaceted.15 In other words, different ideals of liberty presuppose distinct visions of political life and possibility. Yet far less attention has been paid to the fact that security is similarly a plural concept, embodying divergent assumptions about social ordering. In fact, competing notions of security—by offering different answers to the question of “who decides?”—can be more or less compatible with democratic ideals. If anything, the problem of the contemporary moment is the dominance of a security concept that systematically challenges those sociological and normative assumptions required to sustain popular involvement in matters of threat and safety.

#### The logic of security makes violence inevitable, and is the root cause of destructive features of contemporary modernity

Burke 7 (Anthony, Senior Lecturer in Politics and International Relations at UNSW, Sydney, “Ontologies of War: Violence, Existence and Reason”, Theory and Event, 10.2, Muse)

My argument here, whilst normatively sympathetic to Kant's moral demand for the eventual abolition of war, militates against excessive optimism.86 Even as I am arguing that **war is not an enduring historical or anthropological feature, or a neutral and rational instrument of policy** -- that it is **rather the** product of hegemonic forms of knowledge **about political action and community** -- my analysis does suggest some sobering conclusions about its power as an idea and formation. **Neither the progressive flow of history nor the pacific tendencies of an international society of republican states will save us. The violent ontologies** I have described here in fact **dominate the conceptual and policy frameworks of modern republican states** and have come, against everything Kant hoped for, to stand in for progress, modernity and reason. Indeed what Heidegger argues, I think with some credibility, is that **the enframing world view has come to stand in for being itself. Enframing**, argues Heidegger, **'does not simply endanger man in his relationship to himself and to everything that is...it drives out every other possibility of revealing.**..the rule of Enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth.'87 What I take from Heidegger's argument -- one that I have sought to extend by analysing the militaristic power of modern ontologies of political existence and security -- is a view that **the challenge is posed not merely by a few varieties of weapon, government, technology or policy, but by an overarching system of thinking and understanding that lays claim to our entire space of truth and existence. Many of the** most destructive features of contemporary modernity **-- militarism, repression, coercive diplomacy, covert intervention, geopolitics, economic exploitation and ecological destruction -- derive not merely from particular choices by policymakers based on their particular interests, but from calculative, 'empirical' discourses of** scientific and **political truth rooted in powerful enlightenment images of being. Confined within such an epistemological and cultural universe,** policymakers' choices become necessities**, their actions become inevitabilities, and humans suffer and die**. Viewed in this light, **'rationality' is the name we give the chain of reasoning which builds one structure of truth on another until a course of action, however violent or dangerous, becomes preordained through that reasoning's very operation and existence. It creates both discursive constraints -- available choices may simply not be seen as credible or legitimate -- and material constraints that derive from the mutually reinforcing cascade of discourses and events which then preordain militarism and violence as necessary policy responses**,

however ineffective, dysfunctional or chaotic. The force of my own and Heidegger's analysis does, admittedly, tend towards a deterministic fatalism. On my part this is quite deliberate; it is important to allow this possible conclusion to weigh on us. **Large sections of modern societies -- especially parts of the media, political leaderships and national security institutions -- are utterly trapped within the Clausewitzian paradigm, within the instrumental utilitarianism of 'enframing'** and the stark ontology of the friend and enemy. They are certainly tremendously aggressive and energetic in continually stating and reinstating its force. But is there a way out? Is there no possibility of agency and choice? Is this not the key normative problem I raised at the outset, of how **the modern ontologies of war efface agency, causality and responsibility from decision making**; the responsibility that comes with having choices and making decisions, with exercising power? (In this I am much closer to Connolly than Foucault, in Connolly's insistence that, **even in the face of the anonymous power of discourse to produce and limit subjects, selves remain capable of agency and thus incur responsibilities.**88) There seems no point in following Heidegger in seeking a more 'primal truth' of being -- that is to reinstate ontology and obscure its worldly manifestations and consequences from critique. However we can, while refusing Heidegger's unworldly89 nostalgia, appreciate that he was searching for a way out of the modern system of calculation; that he was searching for a 'questioning', 'free relationship' to technology that would not be immediately recaptured by the strategic, calculating vision of enframing. Yet his path out is somewhat chimerical -- his faith in 'art' and the older Greek attitudes of 'responsibility and indebtedness' offer us valuable clues to the kind of sensibility needed, but little more. **When we consider the problem of policy, the force of this analysis suggests that choice and agency can be all too often limited; they can remain confined** (sometimes quite wilfully) **within the overarching strategic and security paradigms.** Or, more hopefully, policy choices could aim to bring into being **a more enduringly inclusive, cosmopolitan and peaceful logic of the political.** But this **cannot be done without seizing alternatives** from outside the space of enframing and utilitarian strategic thought, by being aware of its presence and weight and activating a very different concept of existence, security and action.90 This would seem to hinge upon 'questioning' as such -- on the questions we put to the real and our efforts to create and act into it. Do security and strategic policies seek to exploit and direct humans as material, as energy, or do they seek to protect and enlarge human dignity and autonomy? Do they seek to impose by force an unjust status quo (as in Palestine), or to remove one injustice only to replace it with others (the U.S. in Iraq or Afghanistan), or do so at an unacceptable human, economic, and environmental price? **Do we see our actions within an instrumental, amoral framework (of 'interests') and a linear chain of causes and effects (the idea of force), or do we see them as folding into a complex interplay of languages, norms, events and consequences which are less predictable and controllable**?91 And most fundamentally: Are we seeking to coerce or persuade? Are less violent and more sustainable choices available? Will our actions perpetuate or help to end the global rule of insecurity and violence? Will our thought?

#### The alternative is to reject the security discourse of the 1ac.

#### We need to question the assumptions and language that frame policies. The alternative is a prerequisite to effective policies in the future

Bruce 96

(Robert, Associate Professor in Social Science – Curtin University and Graeme Cheeseman, Senior Lecturer – University of New South Wales, Discourses of Danger and Dread Frontiers, p. 5-9)

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

### 3

#### Text ---- The United States Executive Branch should establish a declaratory policy that the United States will not introduce nuclear weapons first into hostilities.

#### The plan is action policy and the CP is declaratory policy. Under declaratory NFU, it’s possible that in the face of incontrovertible evidence that an adversary is about to launch a nuclear strike, the U.S. could use nuclear weapons first.

Tertrais 9 – Bruno Tertrais, Senior Research Fellow at the Paris-based Foundation for Strategic Research and Contributing Editor to Survival, October-November 2009, “The Trouble with No First Use,” Survival, Vol. 51, No. 5, p. 26-27

The nuance is important. Declaratory policies (what states claim they would do) and action policies (what states actually plan to do) may not always be identical. However, planning for first use would be legally forbidden if a US president declared a no-first-use policy. 2 Again, vocabulary matters. Preemptive use (in case of incontrovertible evidence of an imminent nuclear attack) would be an act of self defence. Preventive use (a bolt-outof- the-blue nuclear strike) would be a different matter legally, strategically and politically. To the best of my knowledge, no Western country has included it in its nuclear doctrine; contrary to what sources quoted by Sagan claim, there is no evidence that the 2001 Nuclear Posture Review included this option.

### 4

#### **Will pass now; Obama and Boehner on board, but Obama’s PC key**

Kuhnhenn, 1-7

[JIM KUHNHENN, Associated Press, “For Obama, Congress, a Last Grasp at Immigration,” abcnews.com, January 7, 2014, <http://abcnews.go.com/Politics/wireStory/obama-congress-grasp-immigration-21444316> //uwyo-baj]

His agenda tattered by last year's confrontations and missteps, President Barack Obama begins 2014 clinging to the hope of winning a lasting legislative achievement: an overhaul of immigration laws. It will require a deft and careful use of his powers, combining a public campaign in the face of protests over his administration's record number of deportations with quiet, behind-the-scenes outreach to Congress, something seen by lawmakers and immigration advocates as a major White House weakness. In recent weeks, both Obama and House Speaker John Boehner, R-Ohio, have sent signals that raised expectations among overhaul supporters that 2014 could still yield the first comprehensive change in immigration laws in nearly three decades. If successful, it would fulfill an Obama promise many Latinos say is overdue. The Senate last year passed a bipartisan bill that was comprehensive in scope that addressed border security, provided enforcement measures and offered a path to citizenship for 11 million immigrants in the United States illegally. House leaders, pressed by tea party conservatives, demanded a more limited and piecemeal approach. Indicating a possible opening, Obama has stopped insisting the House pass the Senate version. And two days after calling Boehner to wish him happy birthday in November, Obama made it clear he could accept the House's bill-by-bill approach, with one caveat: In the end, "we're going to have to do it all." Boehner, for his part, in December hired Rebecca Tallent, a former top aide to Sen. John McCain and most recently the director of a bipartisan think tank's immigration task force. Even opponents of a broad immigration overhaul saw Tallent's selection as a sign legislation had suddenly become more likely. Boehner also fed speculation he would ignore tea party pressure, bluntly brushing back their criticism of December's modest budget agreement.

#### Fighting to defend his war power will sap Obama’s capital, trading off with rest of agenda

**Kriner, 10** --- assistant professor of political science at Boston University

(Douglas L. Kriner, “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69)

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

#### Reform key to biotech leadership

Schuster 13

(Dr. Sheldon – President @ Keck Graduate Institute, “Immigration Reform Could Lead to Great Things, Including Better Science and Better Science Education” 02/17/2013, http://www.huffingtonpost.com/dr-sheldon-schuster/immigration-reform-could-\_b\_2706832.html)

These students and young researchers not only do amazing things while they're here but their ideas and their drive enhances the quality of education for all of our students and the quality of life for all of our citizens. There can be a multiplying effect to innovation when international knowledge and ideas gain their own traction in homegrown academic institutions and industries. German rocket scientists who came to work in the U.S. in the wake of World War II were not solely responsible for landing Neil Armstrong on the moon. But they were the core from which a great international community of scholars and engineers were able to take NASA to astounding heights. The input of international students teaches all of our students how to integrate ideas that may vary greatly from their own and how to approach problems from a global perspective -- two skills that are required for success in the life science industry and that we need if we are to continue to remain the world leader in the rapidly advancing biotechnologies, such as individualized human genome sequencing. Reforming our immigration system so that more young professionals like these have the option to work in the United States not only boosts the national economy and strengthens the biotech hubs here in Southern California, which are so important to my state's economy, it also improves the quality of U.S. academic institutions, and, ultimately, is likely to hasten the pace of scientific discovery and innovation. It will certainly go a long way toward keeping the U.S. and its academic institutions at the center of such discovery and innovation.

#### Biotech key to solve bioterror attacks

**Bailey 1** [Ronald, award-winning science correspondent for Reason magazine and Reason.com, where he writes a weekly science and technology column. Bailey is the author of the book Liberation Biology: The Moral and Scientific Case for the Biotech Revolution (Prometheus, 2005), and his work was featured in The Best American Science and Nature Writing 2004. In 2006, Bailey was shortlisted by the editors of Nature Biotechnology as one of the personalities who have made the "most significant contributions" to biotechnology in the last 10 years. 11/7/1, “The Best Biodefense,” Reason, <http://reason.com/archives/2001/11/07/the-best-biodefense>]

But Cipro and other antibiotics are just a small part of the arsenal that could one day soon be deployed in defending America against biowarfare. Just consider what’s in the pipeline now that could be used to protect Americans against infectious diseases, including bioterrorism. A Pharmaceutical Manufacturers and Research Association survey found 137 new medicines for infectious diseases in drug company research and development pipelines, including 19 antibiotics and 42 vaccines. With regard to anthrax, instead of having to rush a sample to a lab where it takes hours or even days to culture, biotech companies have created test strips using antibody technologies that can confirm the presence of anthrax in 15 minutes or less, allowing decontamination and treatment to begin immediately. Similar test strips are being developed for the detection of smallpox as well. The biotech company EluSys Therapeutics is working on an exciting technique which would "implement instant immunity." EluSys joins two monoclonal antibodies chemically together so that they act like biological double-sided tape. One antibody sticks to toxins, viruses, or bacteria while the other binds to human red blood cells. The red blood cells carry the pathogen or toxin to the liver for destruction and return unharmed to the normal blood circulation. In one test, the EluSys treatment reduced the viral load in monkeys one million-fold in less than an hour. The technology could be applied to a number of bioterrorist threats, such as dengue fever, Ebola and Marburg viruses, and plague. Of course, the EluSys treatment would not just be useful for responding to bioterrorist attacks, but also could treat almost any infection or poisoning. Further down the development road are technologies that could rapidly analyze a pathogen’s DNA, and then guide the rapid synthesis of drugs like the ones being developed by EluSys that can bind, or disable, segments of DNA crucial to an infectious organism's survival. Again, this technology would be a great boon for treating infectious diseases and might be a permanent deterrent to future bioterrorist attacks. Seizing Bayer’s patent now wouldn’t just cost that company and its stockholders a little bit of money (Bayer sold $1 billion in Cipro last year), but would reverberate throughout the pharmaceutical research and development industry. If governments begin to seize patents on the pretext of addressing alleged public health emergencies, the investment in research that would bring about new and effective treatments could dry up. Investors and pharmaceutical executives couldn’t justify putting $30 billion annually into already risky and uncertain research if they couldn’t be sure of earning enough profits to pay back their costs. Consider what happened during the Clinton health care fiasco, which threatened to impose price controls on prescription drugs in the early 1990s: Growth in research spending dropped off dramatically from 10 percent annually to about 2 percent per year. A far more sensible and farsighted way to protect the American public from health threats, including bioterrorism, is to encourage further pharmaceutical research by respecting drug patents. In the final analysis, America’s best biodefense is a vital and profitable pharmaceutical and biotechnology industry.

#### Extinction

Steinbrenner 97

John Steinbrenner, Senior Fellow – Brookings, Foreign Policy, 12-22-1997, Lexis
Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit.

### prolif

**Nuclear weapons prolif slowly, create peace, and prevent conventional warfare**

**Kenneth N. Waltz, 13**

Genius & Adjunct Professor, Columbia University, Professor Emeritus, UC-Berkeley. “The Spread of Nuclear Weapons; An Enduring Debate,” Book. Chapter 1: More May be Better. Accessed 6/5/13,WYO/JF

What will a world populated by a few more nuclear states look like? I have drawn a picture of such a world that accords with experience throughout the nuclear age. **Those who dread a world with more nuclear states do little more than assert that more is worse and claim without substantiation that new nuclear states will be less responsible and less capable** **of self-control than the old ones** have been. They feel fears that many felt when they imagined how a nuclear China would behave. **Such fears have proved unfounded as nuclear weapons have slowly spread**. I have found many reasons for believing that with more nuclear states the world will have a promising future. I have reached this unusual conclusion for three main reasons. First, international politics is a self-help system, and in such systems the principal parties determine their own fate, the fate of other parties, and the fate of the system. This will con­tinue to be so. Second, **nuclear weaponry makes miscalculation difficult because it is hard not to be aware of how much damage a small number of warheads can do.** Early in this century Norman Angell argued that war would not occur because it could not pay.42 **But conventional wars have brought political gains to some countries at the expense of others. Among nuclear coun­tries, possible losses in war overwhelm possible gains.** In the nuclear age Angell's dictum becomes persuasive. **When the active use of force threatens to bring great losses, war becomes less likely**. This proposition is widely accepted but insufficiently emphasized. **Nuclear weapons reduced the chances of war between the United States and the Soviet Union and between the Soviet Union and China**. One must expect them to have similar effects elsewhere. Where nuclear weapons threaten to make the cost of wars immense, who will dare to start them? **Third, new nuclear states will feel the constraints that present nuclear states have experienced. New nuclear states will be more concerned for their safety and more mindful of dangers than some of the old ones have been**. Until recently, only the great and some of the major powers have had nuclear weapons. **While nuclear weapons have spread slowly, conven­tional weapons have proliferated. Under these circumstances, wars have been fought not at the center but at the periphery of international politics. The likelihood of war decreases as deter­rent and defensive capabilities increase. Nuclear weapons make wars hard to start. These statements hold for small as for big nuclear powers. Because they do, the gradual spread of nuclear weapons is more to be welcomed than feared.**

**PROLIF SOLVES INEVITABLE MISCALCULATIONS AND ESCALATION AND NEW NUCLEAR STATES WILL FIT INTO A DETERRENCE WORLD ORDER AND PREVENT THE OUTBREAK OF MAJOR WARS**

**Waltz in ‘3**

[Kenneth N., Genius & Adjunct Professor, Columbia University, Professor Emeritus, UC-Berkeley, The Spread of Nuclear Weapons: A Debate Renewed, with Scott D. Sagan, p.43-45.

What will a world populated by a few more nuclear states look like? I have drawn a picture of such a world that accords with experience throughout the nuclear age. Those who dread a world with more nuclear states do little more than assert that more is worse and claim without substantiation that new nuclear states will be less responsible and less capable of self control than the old ones have been. They feel fears that many felt when they imagined how a nuclear China would behave. Such fears have proved unfounded as nuclear weapons have slowly spread. I have found many reasons for believing that **with more nuclear states the world will have a promising future**. I have reached this unusual conclusion for three main reasons. First, international politics is a self-help system, and in such systems the principal parties determine their own fate, the fate of other parties, and the fate of the system. This will continue to be so. Second, nuclear **weaponry makes miscalculation difficult because it is hard not to be aware of how much damage a small number of warheads can do**. Early in this century Norman Angell argued that war would not occur because it could not pay. But conventional wars have brought political gains to some countries at the expense of others. Among nuclear countries, **possible losses in war overwhelm possible gains**. In the nuclear age Angell's dictum becomes persuasive. When the active use of force threatens to bring great losses, war becomes less likely. This proposition is widely accepted but insufficiently emphasized. Nuclear weapons reduced the chances of war between the United States and the Soviet Union and between the Soviet Union and China. One must expect them to have similar effects elsewhere. **Where nuclear weapons threaten to make the cost of wars immense, who will dare to start them**? Third, new **nuclear states will feel the constraints that present nuclear states have experienced. New nuclear states will be more concerned for their safety and more mindful of dangers than some of the old ones have been**. Until recently, only the great and some of the major powers have had nuclear weapons. While nuclear weapons have spread slowly, con- [\*45//wyo-tjc] ventional weapons have proliferated. Under these circumstances, wars have been fought not at the center but at the periphery of international politics. The likelihood of war decreases as deterrent and defensive capabilities increase. **Nuclear weapons make wars hard to start. These statements hold for small as for big nuclear powers. Because they do, the gradual spread of nuclear weapons is more to be welcomed than feared**.

**JAPANESE PROLIFERATION IS CRITICAL TO MODERATE KOREAN AMBITIONS AND FORCE THEM TO UNDERTAKE RESTRAINT—US DETERRENCE GUARANTEES ARE ONLY A TRIP-WIRE FOR A LARGER WAR**

**Galen Carpenter in 4**

[Ted, CATO Analyst, “Living With the Unthinkable”, National Interest, Winter 2003/2004, p. asp//wyo-tjc]

**Faced with a dangerous neighbor** possessing nuclear capabilities and a more limited U.S. military commitment to the region, **Japan or South Korea (or** perhaps **both** countries) **might** well **decide to build a nuclear deterrent**. The prospect of additional nuclear proliferation in northeast Asia is obviously not an ideal outcome. But o**ffsetting the North's illicit advantage may be the best of a set of bad option**s. Simply trying to renegotiate the 1994 Agreed Framework is unlikely to induce North Korea to return to non-nuclear status. Diplomatic pressure and economic sanctions are not likely to achieve that goal either. And pre-emptive military strikes are too dangerous. **The one chance to get the North to abandon its current course is** for Washington and its allies **to make clear to Pyongyang that it may have to deal with nuclear neighbors** (translation: **the North would no longer be able to intimidate them** in the same strategically advantageous way). Indeed, Pyongyang could face the prospect of confronting more prosperous adversaries possessing a greater capacity to build larger and more sophisticated nuclear arsenals than North Korea could hope to do. The North may conclude that ending its cheating strategy and keeping the region non-nuclear would be a more productive approach. Even if Pyongyang does not do so, **a nuclear balance of power--a MAD for northeast Asia--would likely emerge instead of a North Korean nuclear monopoly**. Additionally, the prospect of a nuclear-armed Japan is the one factor that could galvanize Beijing to put serious diplomatic and economic pressure on Pyongyang to relinquish its nuclear ambitions. Charles Krauthammer has expressed this thesis starkly in the Washington Post: We should go to the Chinese and tell them plainly that if they do not join us in squeezing North Korea and thus stopping its march to go nuclear, we will endorse any Japanese attempt to create a nuclear deterrent of its own. Even better, we would sympathetically regard any request by Japan to acquire American nuclear missiles as an immediate and interim deterrent. If our nightmare is a nuclear North Korea, China's is a nuclear Japan. It's time to share the nightmares. Even if one does not embrace Krauthammer's approach, the reality is that, **if the United States blocks the emergence of a northeast Asian nuclear balance, it may well be stuck with the responsibility of shielding non-nuclear allies from a volatile, nuclear-armed North Korea. More proliferation may be a troubling outcome, but it beats that nightmare scenario**.

**NORTH KOREA CAN EASILY BE DETERRED—OVERWHELMING AMERICAN CAPABILITIES**

**Galen Carpenter in 4**

[Ted, CATO Analyst, “Living With the Unthinkable”, National Interest, Winter 2003/2004, p. asp//wyo-tjc]

INSTEAD OF placing faith in the efficacy of negotiations with a country that has violated every agreement it has ever signed on the nuclear issue or considering the dangerous option of pre-emptive war, **the United States needs a strategy to deal with the prospect of North Korea's emergence as a nuclear power**. Washington should pursue a two-pronged strategy, since there are two serious problems that must be addressed. One problem is the possibility that Pyongyang might be aiming to become a regional nuclear power with a significant arsenal that could pose a threat to its neighbors and, ultimately, to the American homeland. The latter is not an immediate danger, but a North Korean capability to do so over the longer-term is a problem Washington must anticipate. **Countering the threat of a "bolt out of the blue" attack** on the United **States is relatively straightforward. America retains the largest and most sophisticated nuclear arsenal in the world**, as well as a decisive edge in all conventional military capabilities. **The North Korean regime surely knows** (although it might behoove the administration to make the point explicitly) **that any attack on American soil would mean the obliteration** of the regime. **The United States successfully deterred** a succession of **aggressive** and odious **Soviet leaders** from using nuclear weapons, a**nd it did the same thing with a nuclear-armed** China under **Mao** Zedong. **It is therefore highly probable that Kim Jong-il's North Korea**, which would possess a much smaller nuclear arsenal than either the Soviet Union and China, **can be deterred as well**. As an insurance policy to protect the American population in the highly unlikely event that deterrence fails, and for other reasons besides, Washington should continue developing a shield against ballistic missiles.

**ASIAN PROLIFERATION IS STABLE—ARSENALS WILL BE SMALL, SURVIVABLE AND STABLE. ALL THE CONDITIONS SAGAN REFERENCES DON’T OBTAIN**

**Cha in ‘1**

[Victor, Assoc. Professor of Government at Georgetown, “The second nuclear age: Proliferation pessimism versus sober optimism in South Asia and East Asia”, Journal of Strategic Studies, Dec. 2001//wyo-tjc]

These arguments also fail to comprehend how **the bipolar superpower experience has greatly prejudiced our thinking on nuclear deterrence and stability**. As Goldstein notes, the conventional wisdom demonstrates an insufficient appreciation of the uniqueness rather than generalizability of the superpower experience.78 For example**, organizational arguments assume that the profile of the Asian programs as small and underdeveloped make them more prone to accidents, 'loose nukes', or inadvertent use. However, if the arsenals are small in size and few in number, they are**, as a general rule, **easier to monitor and control.** **In addition, many of the organizational pathologies made famous by Sagan require complexity in the nuclear infrastructure and decision-making trees - a precondition that is irrelevant in Asia because the infrastructures are basic and in many cases, divorced from the military bureaucracy** (another pathology often mentioned).79 **In a similar vein, poor command, control, and communications infrastructures in Asia empirically have not resulted in 'use-or-lose' mentalities but have bred more caution** (e.g. Indo-Pakistan conflicts). **Limited overhead and reconnaissance capabilities have not encouraged confidence in the ability to hide one's arsenals but have discouraged confidence in carrying out successful first strikes**. In addition, many of these small fledgling programs, by virtue of resource constraints, remain at underdeveloped stages (i.e., dealerted, de-targeting, disassembled weapons systems, separated warheads from delivery vehicles).80 Therefore, **until an accident or outcome confirms the organizational school's view in the second nuclear age, and given what is now being unearthed about the near-misses and near-disasters in the first nuclear age, there is no a priori reason to assume a necessary causal connection between small programs and de-stabilizing outcomes**.

**THIS IS KEY TO ELIMINATE OFFENSIVE FORCE POSTURES THAT GUARANTEE INEVITABLE MAJOR POWER WARS\*\***

**Alagappa in ‘8**

[Muthiah, Distinguished Senior Fellow at East-West Center, “Introduction”, in The Long Shadow: Nuclear Weapons and Security in 21st Century Asia, ed. M. Alagappa, P. 26//wyo-tjc]

 Second, the study posits that nuclear weapons have contributed to the security of states and reinforced stability in the Asian security region that is underpinned by several pillars. **Although there could be some destabilizing consequences, thus far nuclear weapons have not undermined stability in Asia. In fact, they have contributed to stability by** assuaging national security concerns, **preventing the outbreak of major wars,** strengthening the status quo, increasing deterrence dominance, **and reinforcing the trend in the region toward a reduction in the salience of force in international politics**. For a number of reasons (acceptance of the political and territorial status quo; increase in the political, diplomatic, and economic cost of using force in a situation of complex interdependence; and the impracticability of resolving conflicts through the use of force) the **offensive roles of force have been on the decline in Asia. Nuclear weapons reinforce this trend by enhancing deter- rence dominance and making the cost of war among nuclear weapon states cata- strophic and prohibitive**, especially in a situation of complex interdependence.

### China ADV

#### The U.S. has had primacy over China for decades---zero risk modernization’s driven by it

Blair and Chen 6 – Bruce G. Blair, President of the World Security Institute, and Chen Yali, Program Manager of Chen Shi China Research Group, Autumn 2006, “The Fallacy of Nuclear Primacy,” China Security, online: <http://www.wsichina.org/cs4_4.pdf>

The professors ignore Cold War history in arguing that the nuclear primacy the United States allegedly enjoys will drive China toward a rapid build-up of its nuclear force that risks precipitating a nuclear arms race and aggravating tensions between them. Throughout the Cold War era, even when China was threatened repeatedly by both the United States and the Soviet Union with nuclear weapons and possibility of military confrontation, both of whom held absolute nuclear superiority over China, China did not accelerate its nuclear program to close the gap. An unflinching China chose to cap its nuclear arsenal at a low level instead of launching a crash program to compete numerically with either of the nuclear superpowers that threatened it. This decision may have been partially based on the realization that China lacked the resources needed to compete and would lose an arms race with its adversaries. But the deeper rationale for China’s restraint was its belief that primacy lacked any real utility. China maintained and still maintains a stark indifference toward nuclear primacy. [“The professors” in this article refers to Lieber & Press]

#### Modernization is stable---no arms race or miscalc

Yuan 9 – Jing-Dong Yuan, Director of the East Asia Nonproliferation Program at the James Martin Center for Nonproliferation Studies and associate professor of international policy studies at the Monterey Institute of International Studies, April 2009, “China and the Nuclear-Free World,” in Engaging China and Russia on Nuclear Disarmament, eds. Hansell and Potter, online: http://cns.miis.edu/opapers/op15/op15.pdf

China has long maintained that its nuclear weapons development is largely driven by the need to respond to nuclear coercion and blackmail. The role of nuclear weapons, in this context, is purely defensive and retaliatory, rather than war-fighting, as some western analysts suggest.19 Indeed, in the early years, China even rejected the concept of deterrence, regarding it as an attempt by the superpowers to compel others with the threat of nuclear weapons. This probably explains the glacial pace with which China introduced, modified, and modernized its small-size nuclear arsenals over the past four decades. Mainly guided by the principle that nuclear weapons will only be used (but used in a rather indiscriminate way) if China is attacked with nuclear weapons by others, nuclear weapons in China’s defense strategy serve political rather than military purposes.20¶ PLA analysts emphasize that the terms “nuclear strategy” and “nuclear doctrine” are rarely used in Chinese strategic discourse; instead, a more commonly used term refers to “nuclear policy,” which in turn is governed by the country’s national strategy. Hence, the deployment and use of nuclear weapons are strictly under the “supreme command” of the Communist Party and its Central Military Commission. Nuclear weapons are for strategic deterrence only; no tactical or operational utility is entertained.

 If and when China is under a nuclear strike, regardless of the size and the yield, it warrants strategic responses and retaliation.21 Chinese leaders and military strategists consider the role for nuclear weapons as one of defensive nuclear deterrence (ziwei fangyu de heweishe). Specifically, the country’s nuclear doctrine and force modernization have been informed and guided by three general principles: effectiveness (youxiaoxing), sufficiency (zugou), and counter-deterrence (fanweishe).22 China’s 2006 Defense White Paper emphasizes the importance of developing land-based strategic capabilities, both nuclear and conventional, but provides no specifics on the existing arsenal, the structure of the Second Artillery Corps (China’s strategic nuclear force) order of battle, or the projected size of the nuclear force. It indicates only that China will continue to maintain and build a lean and effective nuclear force. While Chinese analysts acknowledge that deterrence underpins China’s nuclear doctrine, it is more in the sense of preventing nuclear coercion by the superpower(s) without being coercive itself, and hence it is counter-coercion or counter-deterrence. Rather than build a large nuclear arsenal as resources and relevant technologies have become available, a path pursued by the superpowers during the Cold War, China has kept the size of its nuclear weapons modest, compatible with a nuclear doctrine of minimum deterrence.23 According to Chinese analysts, nuclear weapons’ role in China’s defense doctrine and posture is limited and is reinforced by the NFU position, a limited nuclear arsenal, and support of nuclear disarmament.

#### SQ solves every impact and locks in relations

Shambaugh 13—Professor of Political Science and International Affairs and Director of the China Policy Program at the George Washington University, a nonresident Senior Fellow in Foreign Policy Studies and Center for Northeast Asian Policy Studies at the Brookings Institution (7/20/13, David, A Big Step Forward in U.S.-China Relations, www.realclearworld.com/articles/2013/07/20/a\_big\_step\_forward\_in\_us-china\_relations\_105332.html)

As a result of the recently concluded U.S.-China Strategic and Economic Dialogue (S&ED) the relationship between Washington and Beijing has not only stabilized, but has taken a major step forward-make that major steps. This year's S&ED builds on the new momentum in the relationship spurred by the June presidential summit in Sunnylands, California.¶ The totality of S&ED agreements reached by the two sides July 11-12 is truly impressive-and they outnumber in quantity and quality those reached even during recent presidential state visits (2009 and 2011). The announced agreements-91 on the "strategic track" and a similar number on the "economic track"(although they were not itemized)-are ample testimony to the breadth and depth of the relationship, and they are concrete steps forward in building what Chinese President Xi Jinping has described as building a "new type of major power relations."¶ Of course, the "devil is (always) in the detail" and there may well be a lack of bureaucratic follow-through in implementing such ambitious agreements. In recent years, similar well-intended Joint Statements (2009 and 2011) foundered soon after their issuance and failed to be implemented as intended. This time there seems to be a clearer level of bilateral commitment. A close reading of the strategic track document indicates that the majority of clauses are joint, i.e. "the United States and China affirm their commitment to...). In the past, the language was more often "parallel," i.e. "The United States maintains that...."; "China maintains that..." Such parallel clauses are usually code words for disagreements behind the scenes. This time, much of the language (more notably on the strategic than the economic track) is joint rather than parallel. There are also numerous references that both sides "decided" to undertake various initiatives, while numerous memorandums of understanding (MOUs) and joint "action plans" were agreed and signed. Behind these linguistic nuances lies a new mutual strategic commitment and practical bureaucratic cooperation. ¶The other reason for optimism on implementation is that it appears the two sides have established and expanded the number of joint working groups that will operate throughout the year. New working groups include a Cyber Working Group, U.S.-China Climate Change Working Group, an International Economic Affairs Consultation, a Legal Advisors Consultation, a Dialogue on Global Development, an EcoPartnership Dialogue, an Aviation Energy Conservation and Emission Reduction Initiative, and continued rounds of previously established bilateral mechanisms. Meanwhile, other joint dialogues have been upgraded-such as elevating the Counter-terrorism Consultations to the vice-ministerial level and the Energy Policy Dialogue to the ministerial level. Prior to this year's S&ED, the two governments had in existence around 90 such bilateral dialogues and mechanisms-after the meeting they now top 100. More importantly, as noted above, many will now operate year-round rather than once per year or in an episodic fashion. This will provide sustained momentum to the relationship between the annual S&ED and presidential meetings.¶ The sheer scope of topics covered and agreed are testimony to both the breadth and depth of the relationship. This includes security and military affairs, regional and global diplomacy, human rights, legal affairs and law enforcement, nonproliferation and arms control, customs issues and container security, supply chain security, fisheries and forests, wildlife trafficking and illegal logging, law of the sea and polar issues, marine science and meteorology, climate change, air and water quality, public health, development and aid, peacekeeping, nuclear safety, and a variety of energy-related issues. And these are only issues on the strategic track. The economic track also discussed and reached agreements in a wide range of specialized and technical areas as well: exchange rate liberalization, data transparency, global and regional financial stability, multilateral institutional cooperation (particularly in the IMF, APEC, and G-20), trade and foreign investment, intellectual property rights and protection of trade secrets, government procurement, anti-dumping, export credits and financing, market opening and distribution rights, banking regulations, and other issues.¶ My purpose for detailing this list is not to bore the reader, but to provide a full sense of the extraordinary scope of the U.S.-China relationship today. No other inter-governmental relationship in the world comes close to the breadth and depth of issues of mutual concern to both nations and which they are working to address together. The China-EU and China-Russia and U.S.-EU relationships have their own extensive areas of dialogue and bureaucratic interaction-but they both pale in comparison to the institutionalization of U.S.-China relations today.¶ Institutionalization is one of what I call the "two I's" in U.S.-China relations-the other being interdependence. These "two I's" interact with the "two c's" in the relationship: cooperation and competition. Institutionalization is the outgrowth of interdependence and the manifestation of cooperation-and all three elements serve to bufferand limitthe competition in the relationship.To be certain,competition and mistrust do exist-at the strategic, economic, military, diplomatic, political, and ideological levels-will continue to, and are not to be falsely minimized. But, exercises like the S&ED are tangible expressions that the two sides now seek to manage the competition and forge cooperation where possible. That is the best news we have had in U.S.-China relations for several years, and is good news for global stability and development.

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**Proliferation will be Slow**

#### Prolif will be slow and contained

Kenneth N. Waltz, 13

Genius & Adjunct Professor, Columbia University, Professor Emeritus, UC-Berkeley. “The Spread of Nuclear Weapons; An Enduring Debate,” Book. Chapter 1: More May be Better. Accessed 6/5/13,WYO/JF

What will the spread of nuclear weapons do to the world? I say “spread” rather than “proliferation” because so far nuclear weapons have proliferated only vertically as the major nuclear powers have added to their arsenals. Horizontally, they have spread slowly across the world, and the pace is not likely to change much. Short-term candidates for admission to the nuclear club are not numerous, and they are not likely to rush into the nuclear business. One reason is that the United States works with some effect to keep countries from doing that. Nuclear weapons will nevertheless spread, with a new member occasionally joining the club. Membership grew to twelve in the first fifty years of the nuclear age, and that number included three countries that suddenly found themselves in the nuclear military business as successor states to the Soviet Union. Membership in the club then dropped to eight as South Africa, Kazakhstan, Belarus, and Ukraine liquidated their weapons, and rose to nine when North Korea developed its first weapon. A 50 percent growth of membership in the next decade would be surprising. Since rapid changes in international conditions can be unsettling, the slowness of the spread of nuclear weapons is fortunate. Someday the world will be populated by fifteen or eighteen nuclear-weapon states (hereafter referred to as nuclear states). What the further spread of nuclear weapons will do to the world is therefore a compelling question.

**Prolif Solves Conventional War: 1NC**

**Proliferation solves conventional arms races and shifts towards deterrence factors rather than offensive force postures**

**Kenneth N. Waltz, 13**

Genius & Adjunct Professor, Columbia University, Professor Emeritus, UC-Berkeley. “The Spread of Nuclear Weapons; An Enduring Debate,” Book. Chapter 1: More May be Better. Accessed 6/5/13,WYO/JF

**First, nuclear weapons alter the dynamics of arms races**. **In a competition of two or more parties, it may be hard to say who is pushing and who is being pushed**, who is leading and who is following. If one party seeks to increase its capabilities, it may seem that others must too. The dynamic may be built into the competition and may unfold despite a mutual wish to resist it. But need this be the case in a strategic competition among nuclear countries? **It need not be if the conditions of competition make deterrent logic dominant. Deterrent logic dominates if the conditions of competition make it nearly impossible for any of the competing parties to achieve a first-strike capability**. Early in the nuclear age, the implications of deterrent strategy were clearly seen. "When dealing with the absolute weapon," as Wil­liam T. R. Fox put it, "arguments based on relative advantage lose their point."29 The United States has sometimes designed its forces according to that logic. Donald A. Quarles, when he was President Eisenhower's secretary of the Air Force, argued that "sufficiency of air power" is determined by "the force required to accomplish the mission assigned." **Avoidance of total war then does not depend on the "relative strength of the two opposed forces." Instead, it depends on the "absolute power in the hands of each, and in the substantial invulnerability of this power to interdiction**." 30 **In other words, if no state can launch a disarming attack with high confidence, force comparisons are irrelevant. Strategic arms races are then pointless. Deter­rent strategies offer this great advantage: Within wide ranges neither side need respond to increases in the other side's mili­tary capabilities. Those who foresee nuclear arms racing among new nuclear states fail to make the distinction between war-fighting and war-deterring capabilities.** War-fighting forces, because they threaten the forces of others, have to be compared. Supe­rior forces may bring victory to one country; inferior forces may bring defeat to another. **Force requirements vary with strategies and not just with the characteristics of weapons. With war-fighting strategies, arms races become hard to avoid**. Forces designed for deterrence need not be compared. As Harold Brown said when he was secretary of defense, purely deterrent forces "can be relatively modest, and their size can perhaps be made substantially, though not completely, insensitive to changes in the posture of an opponent."31 **With deterrent strate­gies, arms races make sense only if a first-strike capability is within reach. Because thwarting a first strike is easy, deterrent forces are quite cheap to build and maintain. Second, deterrent balances are inherently stable. This is another reason for new nuclear states to decrease, rather than increase, their military spending**. As Secretary Brown saw, within wide limits one state can be insensitive to changes in another state's forces. French leaders thought this way. France, as President Valery Giscard d'Estaing said, "fixes its security at the level required to maintain, regardless of the way the strategic situation develops in the world, the credibility—in other words, the effectiveness—of its deterrent force."32 **With deterrent forces securely established, no military requirement presses one side to try to surpass the other**. Human error and folly may lead some parties involved in deterrent balances to spend more on armaments than is needed, but other parties need not increase their armaments in response, because such excess spending does not threaten them. **The logic of deter­rence eliminates incentives for strategic-arms racing**. This should be easier for lesser nuclear states to understand than it was for the United States and the Soviet Union. Because most of them are economically hard-pressed, they will not want to have more than enough. Allowing for their particular situations, the policies of nuclear states confirm these statements. Britain and France are relatively rich countries, and they have tended to overspend. Their strategic forces were nevertheless modest enough when one considers that they thought that deterring the Soviet Union would be more difficult than deterring states with capabilities comparable to their own. China, of course, faced the same task. These three countries, however, have shown no inclination to engage in nuclear arms races. From 1974, when India tested its peaceful bomb, until 1998, when it resumed testing, India was content to have a nuclear military capability that may or may not have produced deliverable warheads, and Israel long maintained its own ambiguous status. **New nuclear states are likely to conform to these patterns and aim for a modest suf­ficiency rather than vie with one another for a meaningless superiority. Third, because strategic nuclear arms races among lesser powers are unlikely, the interesting question is not whether they will be run but whether countries having strategic nuclear weapons can avoid running conventional races.** No more than the United States will new nuclear states want to rely on exe­cuting the deterrent threat that risks all. Will not their vulner­ability to conventional attack induce them at least to maintain their conventional forces?

**PROLIF CHECKS CONVENTIONAL ARMS RACES THAT RISK DEVASTATING WARS**

**Waltz in ‘95**

[Kenneth N., Institute on Global Conflict and Cooperation, Peace, Stability, and Nuclear Weapons, August 1995, [http://www.ciaonet.org/wps/wak01/#txt\*](http://www.ciaonet.org/wps/wak01/#txt*)//wyo-tjc]

I end with two thoughts. **Nuclear weapons continue to spread slowly, while conventional weapons proliferate and become ever more destructive. Nuclear weapons are relatively cheap, and they work against the fighting of major wars. For some countries, the alternative to nuclear weapons is to run ever-more expensive conventional arms races, with increased risk of fighting highly destructive wars**. Not all choices are happy ones, and for some counties nuclear weapons may be the best choice available.

**PROLIF DISCOURAGES TERRITORIAL EXPANSION BECAUSE ENSURE STABILITY.**

**Waltz in 93**

[Kenneth, Professor of Political Science, UC-Berkeley, Use of Force: Military Power and International Conflicts, 1993//wyo-tjc]

Third, the question demands a negative answer all the more insistently when the deterrent deployment of nuclear weapons contributes more to a country’s security than does conquest of territory. A country with a deterrent strategy does not need the extent of territory required by a country relying on a conventional defense. A deterrent strategy makes it unnecessary for a country to fight for the sake of increasing its security, and thus removes a major cause of war.

**DETERRENCE ELIMINATES NEED FOR TERRITORIAL EXPANSION INHERENT IN CONVENTIONAL POSTURES.**

**Snyder in 93**

[Glenn H., Polifical Science Professor at UNC, “Deterrence and Defense,” The Use of Force, 1993//wyo-tjc]

Long-range airpower partially separated the function of punishment from the function of contesting the control of territory, by making possible the assault of targets far to the rear whose relation to the land battle might be quite tenuous. Nuclear weapons vastly increased the relative importance of prospective cost in deterring the enemy and reduced (relatively) the importance of frustrating his aggressive enterprise. It is still true, of course, that a capacity to deny territory to the enemy, or otherwise to block his aims, may be a very efficient deterrent. And such denial may be accomplished by strategic nuclear means, though at high cost to the defender. But it is now conceivable that a prospective aggressor may be deterred, in some circumstances at least, solely or primarily by threatening and possessing the capability to inflict extreme punishment on his homeland assets and population, even though he may be superior in capabilities for contesting the control of territory. Nuclear powers must, therefore, exercise a conscious choice between the objectives of deterrence and defense, since the relative proportion of “punishment capacity” to “denial capacity” in their military establishments has become a matter of choice.

**Allied Proliferation Good: 1NC**

**FIRST, ALLIED PROLIFERATION IS KEY TO STABILITY—IT ENDS EXTENDED DETERRENCE, CREATES CREDIBLE DETERRENCE AND DOESN’T RISK DESTABILIZATION**

**Layne in ‘6**

[Christopher, Professor of Political Science at Texas A&M, The Peace of Illusions: American Grand Strategy from 1940 to Present, Cornell University Press (Ithica), p. 171-172//wyo-tjc]

There is nothing the United States can do that will fully reassure its allies that Washington will protect them. Recognizing this, **America’s allies**—especially in East Asia—**have every incentive to** do exactly what U.S. strategy is supposed to prevent them from doing: **re-nationalize and emerge as autonomous poles of power**—**which will unravel the entire fabric of America’s hegemonic grand strategy.**4’ Instead of vainly attempting to stem the tide of onrushing multipolaritv, as an offshore balancer the United States would implement an orderly devolution of security responsibilities—including managed **proliferation of nuclear weapons—to the potential great powers** (and regional ones like South Korea) t**hat heretofore have sheltered under America’s extended deterrence umbrella**.42 Given that managed proliferation **would involve politically stable states that are capable of building secure, second-strike retaliatory forces, it would not be destabilizing**. On the contrary**, because the deterrence provided by national deterrent forces is more credible than extended deterrence provided by a distant protector, Eurasia probably would be more stable—not less**—if, acting as an offshore balancer, the United States went forward with strategic devolution. In any event, given the nature of the evolving Eurasian security environment, for the United States it would be better and safer to let other states defend them- selves.

**SECOND, ABSENT THIS, EXTENDED DETERRENCE BREAKS DOWN, CAUSING NUCLEAR WARS**

**Layne in ‘6**

[Christopher, Professor of Political Science at Texas A&M, The Peace of Illusions: American Grand Strategy from 1940 to Present, Cornell University Press (Ithica), p. 169//wyo-tjc]

**Proponents of U.S. hegemony like to say that America’s military commitments in Eurasia are an insurance policy** against the purportedly damaging consequences of a Eurasian great power war by preventing it from happening in the first place or limiting its harmful effects if it does happen**. This is a dubious analogy**, because insurance policies neither prevent, nor limit, damage to policyholders. Rather, they compensate the policyholder for damage incurred. Even on its own terms, however, the insurance policy argument is not persuasive. Both Californians and Floridians know that **some types of insurance are** either unaffordable or **unobtainable at any price**. The chances of the “Big One”—a catastrophic earthquake on the San Andreas Fault—jolting Los Angeles or San Francisco, or a Force 5 hurricane making a direct hit on Miami, are small. But if either were to happen the consequences could be catastrophic, which is why insurance companies don’t want to offer earthquake and hurricane insurance. Prospective great power wars in Eurasia represent a similar dynamic: **the risk of such a war breaking out may be low, but if it does it could be prohibitively expensive for the United States to be involved. Rather than being instruments of regional pacification, today America’s alliances are transmission belts for war that ensure that the U.S. would be embroiled in Eurasian wars**. In deciding whether to go war in Eurasia, **the United States should not allow its hands to be tied in advance. For example, a non—great power war** on the Korean Peninsula—**even if nuclear weapons were not involved—would he very costly. The dangers of being entangled in a great power war in Eurasia**, of course, **are even greater, and could expose the American homeland to nuclear attack**. An offshore balancing grand strategy would extricate the United States from the danger of being entrapped in Eurasian conflicts by its alliance commitments.

### 2NC- Bioterror=Extinction

#### Impending bioterror attacks cause extinction

Mhyrvold 13

Nathan, Began college at age 14, BS and Masters from UCLA, Masters and PhD, Princeton “Strategic Terrorism: A Call to Action,” Working Draft, The Lawfare Research Paper Series

Research paper NO . 2 – 2013

As horrible as this would be, such a pandemic is by no means the worst attack one can imagine, for several reasons. First, most of the classic bioweapons are based on 1960s and 1970s technology because the 1972 treaty halted bioweapons development efforts in the United States and most other Western countries. Second, the Russians, although solidly committed to biological weapons long after the treaty deadline, were never on the cutting edge of biological research. Third and most important, the science and technology of molecular biology have made enormous advances, utterly transforming the field in the last few decades. High school biology students routinely perform molecular-biology manipulations that would have been impossible even for the best superpower-funded program back in the heyday of biological-weapons research. The biowarfare methods of the 1960s and 1970s are now as antiquated as the lumbering mainframe computers of that era. Tomorrow’s terrorists will have vastly more deadly bugs to choose from.

 Consider this sobering development: in 2001, Australian researchers working on mousepox, a nonlethal virus that infects mice (as chickenpox does in humans), accidentally discovered that a simple genetic modification transformed the virus.10, 11 Instead of producing mild symptoms, the new virus killed 60% of even those mice already immune to the naturally occurring strains of mousepox. The new virus, moreover, was unaffected by any existing vaccine or antiviral drug. A team of researchers at Saint Louis University led by Mark Buller picked up on that work and, by late 2003, found a way to improve on it: Buller’s variation on mousepox was 100% lethal, although his team of investigators also devised combination vaccine and antiviral therapies that were partially effective in protecting animals from the engineered strain.12, 13 Another saving grace is that the genetically altered virus is no longer contagious. Of course, it is quite possible that future tinkering with the virus will change that property, too. Strong reasons exist to believe that the genetic modifications Buller made to mousepox would work for other poxviruses and possibly for other classes of viruses as well. Might the same techniques allow chickenpox or another poxvirus that infects humans to be turned into a 100% lethal bioweapon, perhaps one that is resistant to any known antiviral therapy? I’ve asked this question of experts many times, and no one has yet replied that such a manipulation couldn’t be done. This case is just one example. Many more are pouring out of scientific journals and conferences every year. Just last year, the journal Nature published a controversial study done at the University of Wisconsin–Madison in which virologists enumerated the changes one would need to make to a highly lethal strain of bird flu to make it easily transmitted from one mammal to another.14 Biotechnology is advancing so rapidly that it is hard to keep track of all the new potential threats. Nor is it clear that anyone is even trying. In addition to lethality and drug resistance, many other parameters can be played with, given that the infectious power of an epidemic depends on many properties, including the length of the latency period during which a person is contagious but asymptomatic. Delaying the onset of serious symptoms allows each new case to spread to more people and thus makes the virus harder to stop. This dynamic is perhaps best illustrated by HIV , which is very difficult to transmit compared with smallpox and many other viruses. Intimate contact is needed, and even then, the infection rate is low. The balancing factor is that HIV can take years to progress to AIDS , which can then take many more years to kill the victim. What makes HIV so dangerous is that infected people have lots of opportunities to infect others. This property has allowed HIV to claim more than 30 million lives so far, and approximately 34 million people are now living with this virus and facing a highly uncertain future.15 A virus genetically engineered to infect its host quickly, to generate symptoms slowly—say, only after weeks or months—and to spread easily through the air or by casual contact would be vastly more devastating than HIV . It could silently penetrate the population to unleash its deadly effects suddenly. This type of epidemic would be almost impossible to combat because most of the infections would occur before the epidemic became obvious. A technologically sophisticated terrorist group could develop such a virus and kill a large part of humanity with it. Indeed, terrorists may not have to develop it themselves: some scientist may do so first and publish the details. Given the rate at which biologists are making discoveries about viruses and the immune system, at some point in the near future, someone may create artificial pathogens that could drive the human race to extinction. Indeed, a detailed species-elimination plan of this nature was openly proposed in a scientific journal. The ostensible purpose of that particular research was to suggest a way to extirpate the malaria mosquito, but similar techniques could be directed toward humans.16 When I’ve talked to molecular biologists about this method, they are quick to point out that it is slow and easily detectable and could be fought with biotech remedies. If you challenge them to come up with improvements to the suggested attack plan, however, they have plenty of ideas. Modern biotechnology will soon be capable, if it is not already, of bringing about the demise of the human race— or at least of killing a sufficient number of people to end high-tech civilization and set humanity back 1,000 years or more. That terrorist groups could achieve this level of technological sophistication may seem far-fetched, but keep in mind that it takes only a handful of individuals to accomplish these tasks. Never has lethal power of this potency been accessible to so few, so easily. Even more dramatically than nuclear proliferation, modern biological science has frighteningly undermined the correlation between the lethality of a weapon and its cost, a fundamentally stabilizing mechanism throughout history. Access to extremely lethal agents—lethal enough to exterminate Homo sapiens—will be available to anybody with a solid background in biology, terrorists included.

#### None of their impact defense applies-newest developments take out all impact defense

Jordans, 2011

[Frank, Associated Press, 12-7-11, Clinton warns of bioweapon threat from gene tech, http://www.nbcnews.com/id/45584359/ns/#.UkkMV2T72Ik] /Wyo-MB

GENEVA — New gene assembly technology that offers great benefits for scientific research could also be used by terrorists to create biological weapons, U.S. Secretary of State Hillary Rodham Clinton warned Wednesday.¶ The threat from bioweapons has drawn little attention in recent years, as governments focused more on the risk of nuclear weapons proliferation to countries such as Iran and North Korea.¶ But experts have warned that the increasing ease with which bioweapons can be created might be used by terror groups to develop and spread new diseases that could mimic the effects of the fictional global epidemic portrayed in the Hollywood thriller "Contagion."¶ Speaking at an international meeting in Geneva aimed at reviewing the 1972 Biological Weapons Convention, Clinton told diplomats that the challenge was to maximize the benefits of scientific research and minimize the risks that it could be used for harm.¶ "The emerging gene synthesis industry is making genetic material more widely available," she said. "This has many benefits for research, but it could also potentially be used to assemble the components of a deadly organism."¶ Gene synthesis allows genetic material — the building blocks of all organisms — to be artificially assembled in the lab, greatly speeding up the creation of artificial viruses and bacteria.¶ The U.S. government has cited efforts by terrorist networks such as al-Qaeda to recruit scientists capable of making biological weapons as a national security concern.¶ Advertise¶ "A crude but effective terrorist weapon can be made using a small sample of any number of widely available pathogens, inexpensive equipment, and college-level chemistry and biology," Clinton told the meeting.¶ "Less than a year ago, al-Qaeda in the Arabian Peninsula made a call to arms for, and I quote, 'brothers with degrees in microbiology or chemistry ... to develop a weapon of mass destruction,'" she said.¶ Clinton also mentioned the Aum Shinrikyo cult's attempts in Japan to obtain anthrax in the 1990s, and the 2001 anthrax attacks in the United States that killed five people.¶ Washington has urged countries to be more transparent about their efforts to clamp down on the threat of bioweapons. But U.S. officials have also resisted calls for an international verification system — akin to that for nuclear weapons — saying it is too complicated to monitor every lab's activities.

### 2NC-Will Pass

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

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

Immigration reform is set to be the key issue of 2014. Following Mitt Romney's dismal performance among Latino voters in the 2012 election, both sides of the Government woke up to the necessity for comprehensive reform on immigration. Indeed, in his State of the Union address in February, President Obama declared that “the time has come to pass comprehensive immigration reform.” Yet with the House divided over Obamacare and the budget crisis, the Government Shutdown let immigration reform die. 2014 will change that: and here are 4 Reasons Why.¶ 1. Republican Support: A fundamental lack of support from the GOP has always been one of the major obstacles for passing comprehensive reform legislation, and indeed this seemed to be the case this year after the Bill passed by the Senate was struck down by Congress. However, more and more GOP members are realizing the significance of the Latino vote and understanding that passing comprehensive immigration reform is the most significant way of securing support from Latino voters. ¶ A July poll from Latino Decisions found that immigration reform was the most important issue facing the Latino community for 60 percent of those surveyed. The poll also found that 70 percent of those questioned were dissatisfied with the job Republicans were doing on the issue. The survey also found the 39 percent would be more likely to support a Republican congressional candidate if immigration reform was passed with Republican leadership. ¶ Republican candidates have become aware of the significance of immigration reform for the party. Even in traditionally conservative Republican strongholds like Texas, candidates are turning towards immigration reform. According to Republican strategist and CNN en Español commentator Juan Hernandez, "it also wouldn’t surprise me if after the primary, the candidates move to the center and support reform. For Republicans to stay in leadership in Texas, we must properly address immigration.”¶ The March 2014 primaries will be a key moment in determining how reform progresses: Republican Strategist John Feehery suggests, “The timing on this is very important. What was stupid to do becomes smart to do a little bit later in the year.” Once the primaries are over, GOP members will have the chance to implement reform legislation without fear of challenges from the right. ¶ 2. Legalization Over Citizenship: While the Senate’s 2013 immigration reform bill was struck down by Congress, GOP party members have indicated that they will support legislation which favors legalization of undocumented immigrants over a path to citizenship.¶ Meanwhile, a recent survey from Pew Research Hispanic Trends Project demonstrated that 55 percent of Hispanic adults believe that legalizing immigrants and removing the fear of deportation is more important than a pathway to citizenship (although citizenship is still important to 89 percent of Latinos surveyed.)¶ As CBS suggests, “Numbers like these could give leverage to lawmakers who are interested in making some reforms to the legal immigration system, but not necessarily offering any kind of citizenship.”¶ If House Republicans offered legalization legislation for the undocumented community, this could put pressure on the President to compromise. And while this kind of reform would not be as comprehensive as the Senate’s bill, a bipartisan agreement would be a significant achievement towards accomplishing reform.¶ 3. Activism Steps Up: 2013 saw one of the biggest surges in grassroots activism from immigration supporters, and political leaders started to listen. The hunger strike outside the White House was a particularly significant demonstration and drew visits of solidarity from a number of leaders from both sides of Congress, including the President and First Lady.¶ Immigration reform activists have promised "we will be back in 2014." Indeed, 2014 promises to be a year of even greater activism. Activist Eliseo Medina has pledged that immigrant advocacy groups would visit “as many congressional districts as possible” in 2014 to ensure further support.¶ Protests, rallies and marchers are likely to increase in 2014, putting greater pressure on Congress to pass legislation. Such visual, vocal protests will be key in ensuring comprehensive reform.¶ 4. Leadership: As immigration reform comes to the fore, party leaders will step up in 2014 to ensure change is achieved. While President Obama has made clear his support for comprehensive reform, House Speaker John Boehner previously stated that he had “no intention” of negotiating with the Senate on their comprehensive immigration bill. ¶ However, towards the end of 2013, it seemed that Representative Boehner was changing his tune. In November, President Obama revealed that “the good news is, just this past week Speaker Boehner said that he is “hopeful we can make progress” on immigration reform.” As if to prove the point, Boehner has recently hired top aide Rebecca Tallent to work on immigration reform.¶ With bipartisan leadership firmly focused on immigration reform and party members on both sides realizing the political importance of the issue, comprehensive legislation is one thing we can be sure of in 2014.

**2NC- AT Unemployment Thumper**

**Obama is not pushing-Senate democrats are doing the heavy lifting and will get the blame for fights**

**Lewis and Rushe 1-2**

(Paul Lewis in Washington and Dominic Rushe in New York, both writers for the Guardian. “Senate Democrats plan fast-track fix to reinstate lost unemployment benefits” 1-2-14 http://www.theguardian.com/world/2014/jan/02/senate-democrats-bill-reinstate-unemployment-benefits//wyoccd)

**Democratic leaders in the Senate are planning to fast-track legislation to extend unemployment insurance**, a move that would provide a lifeline to more than a million jobless Americans who lost their benefits five days ago.¶ Senator Jack **Reed,** a Democrat from Rhode **Island whose bipartisan bill will ensure a three-month extension of the federal benefits program**, told the Guardian **the measure would stimulate the economy and alleviate what he called the “mental torment” suffered by those long-term unemployed who now feel abandoned.**¶ The benefits, which apply to people who are unemployed for longer than six months, were left to expire on Saturday after a bipartisan budget deal on federal spending for the next two years failed to include a reauthorisation of the program.¶ “On a human level, many of these people are desperate,” Reed said in an interview on Thursday. “It is the difference between being able to pay their mortgage or not. Many of these are people who have worked for decades. They had good jobs, and they’ve been sending out sending out thousands of résumés, but they’re in a job market that is terrible.”¶ **Reed’s bill**, **which is co-authored by** the Nevada Republican Dean **Heller,** will only extend the federal benefits until the end of March – a temporary fix designed to allow congressional committees to work on a more permanent solution for the long-term unemployed. It would be applied retroactively, reimbursing those who lost benefits over the last week.¶ **In a clear sign that Democrats plan to make poverty and inequality major issues in this year’s Congressional mid-term elections,** Harry Reid, the Senate majority leader, told a reporter in his home state of Nevada earlier this week that the bill will be put to a vote when the Senate reconvenes on Monday.¶ A senior Democratic aide involved in the legislation said any vote may now be pushed back to Tuesday or Wednesday, to make room for the Senate’s confirmation of Janet Yellen as the chair of the Federal Reserve. But the bill remains a priority.¶ “We have a commitment that the the unemployment insurance bill be one of the first things the Senate moves on,” the aide said.¶ Reed and Heller represent the two states – Rhode Island and Nevada – with the highest unemployment rates in the US. ¶ Reed said 49,000 people – many of whom once had successful, managerial jobs – had lost benefits in Rhode Island over the last week. “Their suffering is the kind of mental torment of someone whose future is suddenly uncertain,” he said. “You’re 40 or 50 years old and you’ve worked all your life, and suddenly you’re thinking: I may never get a job anything like the one I had when I was laid off.”

### 2NC Link

#### Restrictions spark an inter-branch fight derailing the agenda

Epps 13

(Columnist-Atlantic, “Why a Secret Court Won't Solve the Drone-Strike Problem,” The Atlantic, Garrett, http://www.theatlantic.com/politics/archive/2013/02/why-a-secret-court-wont-solve-the-drone-strike-problem/273246/)

Professor Stephen I. Vladeck of American University has offered a remedy to this problem. He proposes a statute in which Congress assigns jurisdiction to a specific judicial district, probably the District Court for the District of Columbia. Congress in the statute would strip the executive of such defenses as "state secrets" and "political question." Survivors of someone killed in a drone attack could bring a wrongful-death suit. The secret evidence would be reviewed by the judge, government lawyers, and the lawyers for the plaintiff. Those lawyers would have to have security clearance; **the evidence would not be shown to the plaintiffs themselves, or to the public**. After review of the evidence, the court would rule. If the plaintiffs won, they would receive only symbolic damages--but they'd also get a judgment that the dead person had been killed illegally. It's an elegant plan, and the only one I've seen that would permit us to involve the Article III courts in adjudicating drone attacks. **Executive-power hawks** **would object that courts have no business** looking into the president's use of the war power. But Vladeck points out that such after-the-fact review has taken place since at least the Adams administration. "I don't think there's any case that says that how the president uses military force--especially against a U.S. citizen--is not subject to judicial review," he said in an interview. "He may be entitled to **some deference and discretion**, but not complete immunity." **The real problem with Vladeck's court might be political**. I expect that **any president would resist such a statute** as a dilution of his commander in chief power, and **enactment seems unlikely**. Without such a statute, then, systematic review of secret drone killings must come inside the executive branch.

**President has to spend political capital defending war powers**

**Samples, 11** --- director of the Center for Representative Government at CATO

(10/27/2011, John, “Congress Surrenders the War Powers: Libya, the United Nations, and the Constitution,” <http://www.cato.org/sites/cato.org/files/pubs/pdf/pa687.pdf>))

But political representation has other fac-ets. It has given voice to public dissatisfaction about wars proper and limited wars. Con-gress “has historically been actively engaged in debates over the proper conduct of major military initiatives. It has proposed, publicly debated, and voted on various legislative initiatives to authorize or curtail the use of force.” **Congress has also held hearings about the conduct of limited and proper wars.** 215 **Many believe that such legislative actions have little effect on the president. Yet such ac-tions can affect the cost-benefit calculations of the president** in pursuing or failing to pur-sue a limited war. **Congress can raise the costs of a policy by shaping and mobilizing public opinion against a war, thereby increasing the cost in political capital a president must pay to sustain a policy.** Congressional actions also signal disunity (or unity) to foreign actors, who in turn act on their expectations, thereby raising the costs of a limited war. Congres-sional actions also affect presidential expec-tations about how the conduct of a war will be received in the legislature; Congress can thus influence presidential policies without directly overturning them. 216 Systematic evi-dence indicates that since 1945 Congress has been able to influence presidential policies through these means. 217 Although short of constitutional propriety, congressional voice can matter in war-making.

### 2NC- Obama Fights Plan

#### Obama fights the plan – strongly supports war powers

Rana 11 (Aziz – Assistant Professor of Law, Cornell Law School, “TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS”, 2011, 37 Wm. Mitchell L. Rev. 5099, lexis)

Thus, for many legal critics of executive power, the election of Barack Obama as President appeared to herald a new approach to security concerns and even the possibility of a fundamental break from Bush-era policies. These hopes were immediately stoked by Obama's decision before taking office to close the Guantanamo Bay prison. n4 Over two years later, however, not only does Guantanamo remain open, but through a recent executive order Obama has formalized a system of indefinite detention for those held there and also has stated that new military commission trials will begin for Guantanamo detainees. n5 More important, in ways small and large, the new administration remains committed to core elements of the previous constitutional vision of national security. Just as their predecessors, Obama officials continue to defend expansive executive detention and war powers and to promote the centrality of state secrecy to national security.

# 1nr

### A/T We meet

#### Into means entry

Meriam Webster 13, http://www.merriam-webster.com/dictionary/into

Full Definition of INTO

1—used as a function word to indicate entry, introduction, insertion, superposition, or inclusion <came into the house> <enter into an alliance>

#### The soldier who presses the button to launch the nuke isn’t in hostilities --- NDAA proves

Healey & Wilson 13 – Jason Healey is the director of the Cyber Statecraft Initiative at the Atlantic Council. AND\*\*\* A.J. Wilson is a visiting fellow at the

Atlantic Council, 2013, “Cyber Conflict and the War Powers

Resolution: Congressional Oversight

of Hostilities in the Fifth Domain,” jnslp.com/wp-content/uploads/2010/08/11\_Dycus.pdf‎

War Powers and Offensive Cyber Operations¶ In a report submitted to Congress in November 2011, pursuant to a mandate in section 934 of the National Defense Authorization Act for fiscal year 2011, the Pentagon, quoting the WPR’s operative language, stated that:8 **Cyber operations might not include the introduction of armed forces personnel into the area of hostilities.** Cyber operations may, however, be a component of larger operations that could trigger notification and reporting in accordance with the War Powers Resolution. The Department will continue to assess each of its actions in cyberspace to determine when the requirements of the War Powers Resolution may apply to those actions. With the focus on “personnel,” this passage makes clear that the WPR will typically not apply to exclusively cyber conflicts. With cyber warriors executing such operations from centers inside the United States, such as the CYBERCOM facility at Fort Meade, Maryland, at a significant distance from the systems they are attacking and well out of harm’s way. Thus, there is no relevant “introduction” of armed forces. Without such an “introduction,” even the reporting requirements are not triggered. ¶ The view that there can be no introduction of forces into cyberspace **follows naturally from the administration’s argument that the purpose of the WPR is simply to keep US service personnel out of harm’s way** unless authorized by Congress. If devastating unmanned missions do not fall under the scope of the resolution, it is reasonable to argue that a conflict conducted in cyberspace does not either.¶ Arguing the point, an administration lawyer might ask, rhetorically, what exactly do cyber operations “introduce”? On a literal, physical level, electrical currents are redirected; but nothing is physically added to—nor, for that matter, taken away from—the hostile system. To detect any “introduction” at all, we must descend into metaphor; and even there, all that is really introduced is lines of code, packets of data: in other words, information. At most, this information constitutes the cyber equivalent of a weapon. “Armed forces,” by contrast, consist traditionally of weapons plus the flesh and blood personnel who wield them. And that brings us back to our cyber-soldier who, without leaving leafy Maryland, can choreograph electrons in Chongqing. Finally, even if armed forces are being introduced, there are no relevant “hostilities” for the same reason: no boots on the ground, no active exchanges of fire, and no body bags.

#### Here is a nuclear specific card that there was a specific amendment during the war powers debate, and it was rejected in the WPR – it was intended to exclude nuclear weapons from that particular phrase

Peter Raven-Hansen October 1989; Professor of Law, George Washington University National Law Center “SPECIAL ISSUE: THE UNITED STATES CONSTITUTION IN ITS THIRD CENTURY: FOREIGN AFFAIRS: DISTRIBUTION OF CONSTITUTIONAL AUTHORITY: NUCLEAR WAR POWERS” The American Society of International Law, American Journal of International Law 83 A.J.I.L. 786; Lexis Nexis Academic

The statutory argument against delegation rests on the War Powers Resolution. Section 8(a)(1) of the Resolution provides that authorization for the introduction of U.S. armed forces into hostilities shall not be inferred from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes [such introduction] and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution. n35 Congress has never specifically delegated nuclear war power to the President. How specific that delegation would have to be to satisfy this provision of the Resolution is unclear. The Court has long applied a canon of liberal statutory construction to legislation affecting the war powers, n36 and it has declined "to require the Congress to employ magical passwords" to satisfy the same kind of rule of construction in the Administrative Procedure Act. n37 It would not make sense, moreover, to require appropriations acts or other legislation predating the Resolution to contain "magical passwords" acknowledging an intent to authorize military force within the meaning of the Resolution. Nor, in light of its legislative history, is it tenable to argue that the Resolution itself cut off all prior delegations of nuclear war power resting on appropriations. During debate on an early version of the war powers legislation, the Senate overwhelmingly defeated an amendment that would have required "the prior, explicit authorization of Congress" for first use of nuclear weapons. n38 Even Senator Eagleton, a vigorous opponent of presidential claims of independent war power, argued and voted against the amendment, explaining that "[t]his bill is not the proper vehicle for restricting the President's use of weapons previously appropriated by Congress to the executive arsenal. . . ." n39

## Security

#### Extend Rana 11--

#### Here are some specific links

#### Schultz 4 perpetuates the cult of expertise

,” only an act of Congress—such as the recently repealed ban on “mini-nukes” and bunker-busters—can tilt the constitutional balance clearly in its favor

#### Their Perkovich ev proves admits that there is not much to worry about, but they paint these few threats as the end of the world in order to justify the continued control of elites

China has only about 60 nuclear weapons that could hit the United States, and a policy of no first use. (North Korea, the other potential target of U.S. nuclear forces, may have up to 10 weapons but no missiles that can reach the United States.)

#### Their Ratner ev say we obvi can’t let china be equals with us—that’s racist.

Beijing could create far more mischief if it perceived a truly zero-sum rivalry with the United States that compelled a hard-nosed competition for influence in Asia. Preventing this outcome—and the major power war that could accompany it—are chief among the tasks of U.S. China policy.

#### Their carollina and Kimball ev says the entire int’l community needs to default to our rule

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