# **1NC**

## **1NC—Drones**

**Contention one is DRONES.**

#### **Trump will ensure counterterror strikes continue.**

**Greenberg 25** [Karen J. Greenberg, Director of the Centerr on National Security @ Fordham Law School, 1-1-2025, Trump Brought the War on Terror Home—and He’ll Do It Again, The Nation, https://www.thenation.com/article/world/trump-war-on-terorr-second-term/, Willie T.]

Trump and the Tactics of the War on Terror¶ Trump’s first presidency combined the strategies of Bush and Obama when it came to the War on Terror. Though it was little noted then, he launched an **unprecedented number** of drone strikes, **tripling Obama’s numbers** by 2022, including the **targeted assassination** of a high-ranking Iranian official, Revolutionary Guard leader Qassim Soleimani. Political scientist Micah Zenko noted that, despite his claims of being non-interventionist, Trump proved to be “**more interventionist** than Obama: in authorizing drone strikes and special operations raids in non-battlefield settings (namely, in **Pakistan, Yemen**, and **Somalia**).”¶ The 45th president’s disregard for legal restraints took other war-on-terror policies to **a new level**. Within a week of his inauguration, President Trump had issued an executive order that came to be known as “the Muslim Ban,” forbidding citizens from seven predominantly Muslim countries entry to the United States. And like his predecessor, he showed little interest in sunsetting the expansive surveillance authority he had inherited.

#### **BUT drones are unlawful under Rome.**

**Alberstadt 14** [Rachel Alberstadt, Advanced MA/LLM in Public International Law @ the University of Leiden, 6-7-2014, Drones under International Law, Open Journal of Political Science, https://www.scirp.org/html/4-1670156\_50570.htm, Willie T.]

Under Article 8 (2) (a) the Statue incorporates established IHL law taken from the 1949 Geneva Conventions and other relevant established international law (Cryer, Friman, Robinsin, & Wilmshurst, 2007). Core provisions of IHL ban indiscriminate targeting practices, including weaponry which are incapable of distinction (Gill & Fleck, 2010). However, this distinction holds an overall caveat in international conflicts, as in these types of conflicts there are two categories of persons: combatants and civilians. Each category are afforded aspects of protections, but under some acts, such as wilful killing, these are crimes only against non**-combatants** (Cryer, Friman, Robinsin, & Wilmshurst, 2007).

As IHL argues that whoever does not qualify as a combatant **automatically** qualifies as **a civilian** (Gill & Fleck, 2010) customary law and State practice exist in a current State of flux regarding non-State armed groups in international conflicts and also terrorist actors. However, this paper will explain how under existing IHL, for which violations under the **Rome Statute** can arise, terrorists and non-State actors continue to **constitute protected civilians**. Exceptions to this rule allow for legitimately targeting civilians should the civilians in question actively and directly participate in combat (Kalshoven & Zegveld, 2011). However, lawfulness of targeting these civilians pertains strictly to the **duration of their active involvement.**

The factual nature of drones—as an instrument capable of but not restricted to purposes of force—provides imperative evaluation for potential allegations of international core crimes, such as war crimes or crimes against humanity. States deploy drones for three interrelated reasons 1) efficiency, 2) accuracy, and 3) prevention or protection of human risk. As indicated in the previous section, these objectives also potentially implicate mens rea elements for judicial hearings. Because of the **precision** of drones, both from the accuracy of data procured to inform the pilot and the relative accuracy of the targeting itself, any crimes resulting from drone sorties could demonstrate either an **intent to disregard** the laws of war by means of recklessness or negligence, or a **direct culpability** for knowingly firing upon unlawful targets.

Regarding liability, actual launching of drones ultimately rests upon a leadership decision. This implicates liability under **command responsibility**, or liability under Article 28 of the Rome Statute, as it is the commanders who give the final authorization for the order (Air Force Operations, 2009). For example, precautions must be taken when giving orders to exercise drone strikes, thus, if the status of the target is doubted (in terms of being military or combatant), then the **assumption** is the target is civilian and is protected and **must not be attacked** (Gill & Fleck, 2010; Kalshoven & Zegveld, 2011; Military Commander, 2012; Cryer, Friman, Robinsin, & Wilmshurst, 2007).

4.1. Drones and Proportionality under the Rome Statute

While this paper has extensively analysed the lawfulness of certain targets, a related issue of lawful drone action is the resulting damage from the strikes. While it is clear that prohibitions on directly targeting civilians exists, States are also prohibited from executing strikes which would predictably or knowingly cause excessive or unnecessary civilian harm (Kalshoven & Zegveld, 2011). Thus, war crimes may result from strikes if the results failed **proportionality tests.**

Generally the proportionality test weighs potential **harm against military benefit** (Gill & Fleck, 2010). It is a test decided by the commander prior to the launched sorties and must be decided for **each and every attack (**Matthews & McNab, 2011). Michael Schmitt clarifies that the weapon used proves irrelevant, but rather the issue is whether “expected civilian casualties or damage were excessive relative to the military gain the attacker reasonably anticipated from the strike” (Schmitt, 2011). The evaluation of proportionality by courts results in **inconsistent determinations** as proportionality is **assessed subjectively** by the military apparatus (usually a commander giving a final “go” order) and is difficult to objectively quantify or qualify (Air Force Operations, 2009; Cryer, Friman, Robinsin, & Wilmshurst, 2007).

Proportionality is considered prior to launching an attack but is again evaluated after the fact, often by **different actors** than the ones considering the initial attack. As proportionality must be determined for each individual attack, and as each attack carries different factors to be weighed (such as the nature of the target, circumstances, weaponry available, etcetera), this complicates attempts at legal certainty for subjective or objective determinations of, for instance, what constitutes “excessive” under the framework of proportionality (Matthews & McNab, 2011; Cryer, Friman, Robinsin, & Wilmshurst, 2007). Harm resulting from drones does not negate its lawfulness under principles of proportionality (Matthews & McNab, 2011; Schmitt, 2011), but it is the qualification of the numbers which provides uncomfortable calculations. As such, while there are certainly more clear concepts within IHL, proportionality is not one of them. It remains an evaluation on a **case-by-case** basis as (Vogel, 2011) “[t]he main problem with the principle of proportionality is not whether or not it exists but what it means and how it is to be applied” (Final Report, 2000).

#### **The alternative is conventional weaponry which is worse.**

**Meisels 17** — Tamar; Faculty of Social Sciences, Tel Aviv University. (10-11-2017; “Targeted Killing with Drones? Old Arguments, New Technologies;” Accessible Online at: ) thanks to @ AG

Many of the earlier arguments about targeted killing pertain to the use of drones as well. Assuming the war model and last resort, Statman poses and answers the appropriate question: “Are civilians put at higher risk of harm by the use of drones than by the use of alternative measures?” (Statman 2015: 2; 2014: 41) Here again: The crucial point to remember here is that the alternative to the **use of** **drones is not the avoidance of violence** **altogether**, which would entail zero-risk to civilians but the **use of other, more** **conventional**, lower-tech **measures**, such as **tanks**, helicopters, and so on. (Of course, if the use of force were not necessary, there would be no justification for using force even when no harm to civilians was to be expected). But such imprecise measures would almost **certainly** **lead to more civilian casualties** rather than to fewer.13 More critical of drone warfare generally, Jeff McMahan nonetheless concedes that the advantage of remotely controlled weapons is their ability to be **highly discriminating in the targets they destroy**: What differentiates the **newer models** of remotely controlled weapons from traditional long-range precision-guided munitions is that they allow their operators to **monitor the target area for lengthy periods** before deciding whether, when, and where to strike. These are capacities that better enable the weapons operators to make **morally informed decision**s about the use of their weapons. (Statman 2015: 42) Similarly, Walzer notes, **drones “combine the capacity for surveillance with the capacity for precise attack**” (Walzer 2013).

#### **Absent drone deterrence, bioterror goes existential.**

Zachary **Kallenborn 23**, adjunct fellow with the Center for Strategic and International Studies, fellow at the National Institute for Deterrence Studies, research affiliate with the Unconventional Weapons and Technology Division of the National Consortium for the Study of Terrorism and Responses to Terrorism (START), Gary **Ackerman**, “Existential Terrorism: Can Terrorists Destroy Humanity?” European Journal of Risk Regulation, 14(4), pp. 760-778. doi: 10.1017/err.2023.48, JL

i. Genetically **engineered microorganisms**

Of all the **extant weapons** that could pose a **direct** **existential threat**, the only ones that are even **plausibly within** the capability of terrorists to **produce and deploy** on their own are those based on **biotech**nology, mostly weapons consisting of **pathogenic microorganisms**. This is because, in the **right environment**, **biological organisms** are **self-replicating** and, in the case of contagious agents, **self-propagating**. This in turn implies that there is, at least at first glance, no **upper** **limit** to their spread, which makes them the ultimate **asymmetric weapon** for terrorists and other small groups or individual actors seeking to **destroy the world**.

There is little doubt that **terrorists and other violent non-state actors** brandishing biological weapons could bring **about mass casualties** and **deaths**, but could they do so on a scale that would be truly existential? Here the picture is not as clear, since there are several barriers – both natural Footnote 23 and resulting from our ability to respond Footnote 24 – that set a high bar for any disease that seeks to wipe out the human race. This is where concerns regarding biotechnology come in, since traditional microbiological techniques are unlikely, even with considerable effort, to produce a pathogen able to surmount these inherent obstacles. **Modern biotech**nology, however, especially what has come to be known as **syn**thetic **bio**logy, Footnote 25 has witnessed **several** **breakthroughs** in the past **three decades**. These include the latest **gene-editing** technologies (especially CRISPR/Cas-9), **rapid DNA sequencing** Footnote 26 and **DNA/RNA synthesis**, which enable scientists to **reliably and efficiently** manipulate **biological systems** at the most basic levels. Footnote 27

Even more than the **fundamental efficacy** of these new tools, it is the **deskilling** that they engender that is central to their threat potential in the **terrorist context**. As these **tech**nologies advance, the **levels of education**, **tech**nical skill and **experience** required to engineer a microorganism are **reduced**. Footnote 28 For example, in 2017, a relatively small Canadian biotechnology company called Tonix synthesised the **horsepox virus**, Footnote 29 which is harmless to humans but is in the same family as smallpox, which decidedly is not. At the same time, globalising forces such as online education, marketplaces for used laboratory equipment and lowering costs of equipment mean that this deskilling can **rapidly spread** to even the **most unstable regions** of the world where terrorists and other violent **groups thrive**, thus further “democratising” the technology. Footnote 30 As an example, the International Genetically Engineered Machine (iGEM) competition brings together hundreds of teams of high school and undergraduate students annually from all over the world, and the winning entries represent levels of sophistication that several years ago were the exclusive domain of experienced personnel in advanced laboratories. Footnote 31 Moreover, advances in **biotech**nology are **inherently dual use**, and, unlike **nuc**lear weapon**s** technology, they have multiple **beneficial applications** (especially in fighting disease) and employ techniques that **quickly become ubiquitous**.

It is feared that these factors, resulting from the **enormous strides** in modern **biotech**nology, will **allow** **adversaries**, even at the level of small non-state groups or perhaps **individuals**, to essentially first **design** **a** **disease** capable of **existential levels** of harm and then produce a pathogen with the required characteristics to fit the design. Footnote 32 Such an engineered pathogen could conceivably disregard the **generally observed** **inverse relationship** between a **pathogen’s** **lethality** and its **transmissibility**. Footnote 33 Nor would aspiring world-killers be limited to **traditional pathogens**: **novel harm agents**, ranging from **transmissible cancers** and bacteriophages to **genetic modifications** of neurochemistry, could also be considered.

The key question becomes how likely it is that terrorists or other misanthropic individuals will be able to realise biotechnology’s most extreme potential for harm. Expert opinion differs. Some regard the threat as overblown, citing persistent technical obstacles to the realisation of the capabilities described above, especially for non-state actors. Footnote 34 After all, there is much we still do not know, especially in the realms of epigenetics, pleiotropic effects (one gene having multiple effects), polygenes (multiple genes acting in concert to have an effect) and epistatic (modifier) genes. Others contend that, “As the **molecular engineering tech**niques of the **syn**thetic **bio**logist become more **robust and widespread**, the probability of encountering one or more of these **threats** is approaching **certainty**.” Footnote 35 A recent study by the National Academies of Science, Medicine and Engineering described the bottlenecks to modifying and creating pathogens but acknowledged that most if not all of these could be overcome in time, Footnote 36 with most observers agreeing that the more complex and exotic achievements will take longer to arrive. However, even if all of the obstacles are **not surmountable** today, the rapid **forward march of biotech**nology **suggests that**, at some point in the **not-too-distant future**, terrorists might be capable of brandishing an **existential-level** **microbe**.

# **1NC - Texit**

**Contention 2 is TEXIT.**

#### Texas secession is growing to the brink.

**Solomon 24** --- (Dan Solomon, [*Dan Solomon writes about politics, music, food, sports, criminal justice, health care, film, and business. Dan started working with Texas Monthly as a freelancer in 2013 before becoming a staff writer, covering topics from the Baylor sexual assault scandal to the gentrification of Austin barbecue to the legacy of Texas outsider artist Daniel Johnston. His reporting has appeared in the New York Times, GQ, Vanity Fair, Wired, Fast Company, Billboard, and Deadspin.*], 2-1-2024, "Is the Texas Secession Movement Getting Serious?", https://www.texasmonthly.com/news-politics/texas-secession-movement-abbott-border-security/) //doa2-6-2025 + master chen 💆

Ultimately, no one knows how popular the idea of **an independent Texas** truly **is**—though if limited polling data is any indication, it may be **gaining traction**. The question has been polled four times since 2009; in three of those polls, taken between 2009 and 2016, it received between 15 and 26 percent support, meaning it would—at best—be rejected by a nearly three-to-one margin. A 2022 poll by a different pollster, meanwhile, found that **Texans favored secession by a 60/40 split**, which, if true, would indicate **a 53-point swing** from 2016.

**Emp loss of sovereignty inflamed texans**

Carbonaro 24 --- (Giulia Carbonaro, [*Giulia Carbonaro is a Newsweek Reporter based in London, U.K. Her focus is on U.S. and European politics, global affairs and housing. She has covered the ups and downs of the U.S. housing market extensively, as well as given in-depth insights into the unfolding war in Ukraine. Giulia joined Newsweek in 2022 from CGTN Europe and had previously worked at the European Central Bank. She is a graduate of Nottingham Trent University. Languages: English, Italian, French. Email: g.carbonaro@newsweek.com.*], 1-23-2024, "Supreme Court decision sparks Texas independence calls", https://www.newsweek.com/texas-independence-supreme-court-border-ruling-texit-1863124) //doa2-6-2025 + master chen 💆

Newsweek reached out to the White House and Abbott's office for comment by email on Tuesday morning. "As a Texan, I wholeheartedly believe that Texas' only viable option moving forward is to vote on #TEXIT," wrote an X user who calls herself a 9th-generation Texian. "The federal government has all but declared war on **Texas**. We **will not c**ontinue to **tolerate** this **blatant usurpation of** Texas' **sovereignty and Constitution**al right to defense," she continued, adding that the state should **invoke its right to "alter, abolish, or reform our government** as we may feel expedient, as guaranteed in Article 1 Section 2 of the **Texas Constitution**." Another X user and resident of the state posted: "Texas has state rights to protect ourselves, its citizens, and our borders when a treasonous federal government tries to use treason to override that. The #TEXIT movement is probably stronger than ever now." The Texas Nationalist Movement (TNM) issued a statement condemning the Supreme Court's ruling, saying it believes "that the federal government has, once again, failed Texas." The **movement** is now **urging** Abbott to **"call an immediate special session to explore Texas independence**." Republican Representative Clay Higgins of Louisiana also condemned the Supreme Court's ruling, saying that the "Feds are staging a Civil War" and that "Texas should hold its ground." Other social media users on X decried the U.S. judicial system and said it was now time for "Texit," adding that they had lost hope in the federal government. "It's time for Texas to secede and make its own laws. The rest of the red states will join," wrote an account called "state secession." What an independent Texas would look likeRead moreWhat an independent Texas would look like This, in part, reflects what the Texas governor has been saying for the past few years since the launch of "Operation Lone Star" in 2021, a security effort led by the state that added thousands of Texas state troopers and National Guard soldiers along the border with Mexico. According to Abbott, who has repeatedly clashed with the Biden administration over the measures he has promoted to stop migrants from crossing into Texas—including the installation of a floating barrier in the Rio Grande—the state's government is stepping in to fill the gap left by the inaction of the federal government. Despite rising calls for "Texit," the state cannot legally secede from the U.S., as it was established following the Civil War, which saw the victories of the union and Texas rejoining the nation. In the 1869 case Texas v. White, it was decided that individual states could not unilaterally decide to leave the union

#### Aff torches the Constitution, ceding sovereignty.

**Casey ’18** [Lee; 2018; Adjunct Professor of Law at the George Mason University School of Law; “The Case Against Supporting the International Criminal Court,”

https://law.washu.edu/wp-content/uploads/2018/10/The-Case-Against-Supporting-the-International-Cri minal-Court.pdf] brett recut cpsof

The **U**nited **S**tates should not ratify the **ICC** Treaty. There are two fundamental objections to American participation in the ICC regime. First, U.S. participation would violate our Constitution by subjecting Americans to trial in an **international court**for offenses otherwise within the judicial power of the **U**nited **S**tates, and without the guarantees of the Bill of Rights. Second, our ratification of the Rome Treaty would constitute a profound surrender of **American sovereignty**, undercutting our right of selfgovernment – the first human right, without which all others are simply words on paper, held by grace and favor, and no rights at all. With respect to the Constitutional objections, by joining the ICC Treaty, the United States would subject American citizens to **prosecution** and **trial** in a court that was not established under **Article III** of the Constitution for criminal offenses otherwise subject to the judicial power of the United States. This, it cannot do. As the **Supreme Court** explained in the landmark Civil War case of **Ex parte Milligan** (**1866**),reversing a civilian's conviction by a military tribunal, "[e]very trial involves the exercise of judicial power," and courts not properly established under **Article III** can exercise "no part of the **judicial power** of the country.”2 This rationale is equally, and emphatically, applicable to **the ICC**, a court where neitherthe **prosecutors** northe **judges** would have been appointed by the **President**, by and with the advice and consent of the **Senate**, and which would not be bound by the fundamental guarantees of the **Bill of Rights**. In fact, individuals brought before the ICC would only nominally enjoy the rights we in the United States take for granted. For example, the ICC Treaty guarantees defendants the right “to be tried without undue delay.” In the International Criminal Tribunal for the Former Yugoslavia (an institution widely understood to be a model for the permanent ICC), and which also guarantees this “right,” defendants often wait more than **a year** in prison before their trial begins, and **many years** before a judgment actually is rendered. The Hague prosecutors actually have argued that up to five years would not be too long to wait IN PRISON for a trial, citing case law from the European Court of Human Rights supporting their position.3 Such practices, admittedly, have a long pedigree, but they mock the presumption of innocence. Under **U.S. law**,the federal government must bring a criminal defendant to trial within **three months**, or let him go.4 By the same token,the right of confrontation, guaranteed by the **Sixth Amendment**, includes the right to know the identity of hostile witnesses, and to exclude most "**hearsay**" evidence. In the Yugoslavia Tribunal, both **anonymous witnesses** and **virtually unlimited hearsay evidence** have been allowed at criminal trials, large portions of which are conducted in secret. Again, this is the model for the ICC. Similarly, under the Constitution’s guarantee against double jeopardy a judgment of acquittal cannot be appealed. Under the ICC statute, acquittals are freely appealable by the prosecution, as in the Yugoslav Tribunal, where the Prosecutor has appealed every judgment of acquittal. In addition,the ICC would not preserve the right to a jury trial. The importance of this right cannot be overstated. Alone among the Constitution’s guarantees, the right to a jury trial was stated twice, in Article III (sec. 2), and in the Sixth Amendment. It is not merely a means of determining facts in a judicial proceeding. It is a fundamental check on the abuse of power. As Justice Joseph Story explained: "The great object of a trial by jury in criminal cases is to guard against a spirit of oppression and tyranny on the part of rulers, and against a spirit of violence and vindictiveness on the part of the people."5 It is "part of that admirable **common law**, which had fenced round,

**Texas disregards fed law**

Chemerinsky 24 --- (Erwin Chemerinsky, [*Erwin Chemerinsky is an American legal scholar known for his studies of U.S. constitutional law and federal civil procedure. Since 2017, Chemerinsky has been the dean of the UC Berkeley School of Law. Previously, he was the inaugural dean of the University of California, Irvine School of Law from 2008 to 2017*], 1-29-2024, "Opinion: Texas Gov. **Greg Abbott is defying a U.S. Supreme Court order. That's frightenin**g", https://www.latimes.com/opinion/story/2024-01-29/opinion-heres-whats-at-stake-in-texas-dispute-with-the-federal-government-over-the-border) //doa2-8-2025 + master chen 💆

Texas’ continuing dispute with the federal government over immigration enforcement goes to the very heart of our constitutional system. Gov. **Greg Abbott,** and those who are cheering him on, are **challeng**ing not only **fed**eral **authority** but also the power of the Supreme Court and ultimately the supremacy of the Constitution itself. The dispute arose because Texas installed razor wire fencing along parts of the Rio Grande, among other unilateral measures at the U.S.-Mexico border. Texas officials say they did so to deter an influx of people crossing the border, many of whom are seeking asylum. The question is whether the federal government can remove the fence given its power over the border and immigration. A panel of the conservative 5th Circuit U.S. Court of Appeals prohibited the federal government from removing the razor wire except for medical emergencies. Last week, however, in a 5-4 order without an opinion, the Supreme Court granted the U.S. solicitor general’s request that border agents be allowed to remove the razor wire. Advertisement Migrants navigate around concertina wire along the banks of the Rio Grande after crossing from Mexico into the U.S., Tuesday, Aug. 1, 2023, in Eagle Pass, Texas. Concertina wire and newly place buoys being used as a floating barrier, are making in more difficult and dangerous to cross the Rio Grande. (AP Photo/Eric Gay) Opinion Litman: Texas’ defiance of federal rule echoes Southern segregationists — with a key difference Jan. 18, 2024 That should have put the matter to rest for the time being. But the Texas National Guard and state troopers continued to put up concertina wire and block federal agents from accessing part of the border. On Wednesday, the Republican governor publicly challenged the Supreme Court’s ruling, vowing to “hold the line.**” Abbott said Texas is under “invasion” and that the state’s right to defend itself “is the supreme law of the land and supersedes any federal statutes to the contrary.”** The Republican Governors Assn. issued a statement Thursday backing Abbott “in utilizing every tool and strategy, including razor wire fences, to secure the border.” Former President Trump has also defended Abbott and called on other states to send their national guards to support Texas. This is frightening and just wrong as a matter of law. To begin with, Article VI of the Constitution makes the federal government supreme when it is acting within its authority, deeming any contrary state policies preempted. And the Supreme Court has long held that the federal government has broad powers over immigration and the borders. Advertisement EAGLE PASS, TEXAS - JANUARY 12: National Guard soldiers stand guard on the banks of the Rio Grande river at Shelby Park on January 12, 2024 in Eagle Pass, Texas. The Texas National Guard continues its blockade and surveillance of Shelby Park in an effort to deter illegal immigration. The Department of Justice has accused the Texas National Guard of blocking Border Patrol agents from carrying out their duties along the river. (Photo by Brandon Bell/Getty Images) Opinion Granderson: Texans don’t hate migrants. Why do they elect such a cruel governor? Jan. 23, 2024 The court has frequently found that state laws seeking to regulate immigration are preempted by federal law. In the 2012 case Arizona vs. United States, for example, the court emphatically struck down an Arizona law that sought to crack down on the border and undocumented people. Moreover, since the earliest days of the country, it’s been a fundamental principle of constitutional law that states cannot interfere with the operation of the federal government, including federal law enforcement. In fact, this was precisely the argument the Trump administration made against cities that resisted cooperation with Immigration and Customs Enforcement. Abbott’s calling immigration an “invasion” doesn’t change anything. The supremacy of federal law and the federal government doesn’t cease even if there is an invasion. Advertisement While the Constitution says in Article I, Section 10, that no state shall “engage in war, unless actually invaded,” the provision was meant to allow states to respond to enemy troops at a time when the federal government could be slow to respond because of the nature of communications and transportation. Nothing in the clause implies that the states may violate federal law or impede the federal government. Nor does a state have the power to disregard or disobey a U.S. Supreme Court order. But that is what Abbott is doing in directing the Texas National Guard to prevent federal agents from taking down the razor wire. And it is distressing to see Republican governors openly cheering his lawlessness. This of course is not the first time a state tried to disregard federal law. In the 1950s, Southern governors attempted to block the court-ordered desegregation of schools. One of the most famous instances involved Arkansas Gov. Orval Faubus, who deployed the state’s National Guard to prevent Black students from attending Little Rock Central High School. The Supreme Court responded forcefully in Cooper vs. Aaron, holding that states have no right to disobey federal court orders in an opinion signed by all nine justices. President Eisenhower sent the federal National Guard to enforce the desegregation of the Little Rock schools. The principle upheld then dates to the dawn of the republic and continues to apply today. If states can obstruct the federal government and ignore Supreme Court orders, the Constitution is rendered meaningless. Texas’ governor is violating the Constitution, and the stakes of this standoff are great.

#### Secession forces Federal response creates civil war.

**Rouner 22**. Jef Rouner, June 24 2022. ReformAustin “Texas Seceding Would Be A Violent Nightmare” https://www.reformaustin.org/national/texas-seceding-would-be-a-violent-nightmare/ Accessed 9.13.2024///**mosuQ \*\* brackets in OG**

At the Texas Republican Party convention, a resolution was passed to promote a referendum on possible secession. Right-wing pushes for secession are nothing new in the state, but despite how often it comes up in conversation, there are some incredibly dangerous misconceptions about what that would look like. Texas conservatives frame it as getting out from under the tyranny of the federal government, while Yankees often liken it to ditching an abusive boyfriend or embarrassing relative. Neither of these viewpoints cover the violent nightmare an actual secession would create. First, secession is illegal. The Texas Constitution does not have an escape clause, contrary to popular belief. If the **state** [Texas] actually did attempt to leave the union, the United States would almost certainly try to **take it back by force.** “Texit” is not like Brexit. The European Union has an exit clause; the United States Constitution has none. This was true during the Civil War, and it is true now. Texans cannot simply vote themselves away from the United States. An independent Texas would put an entirely new and possibly hostile nation on the southern border. It would cost the United States its largest port on the Gulf Coast, much of its aerospace infrastructure, nearly a third of its oil production and refining, [and] important military bases, roughly 20 percent of its meat, and a host of other things that the federal government will not give up **without a fight.** That’s not even counting the fact that the United States is not just going to let millions of citizens be held hostage by a far-right Texas government. More people voted for President Joe Biden in Texas than voted in forty other states. A secession might pass with a slim majority of Texans, but no American president could be under the illusion that liberals and leftists would fare very well under a newly-empowered far-right regime. Even if naked resource preservation didn’t motivate forcing Texas to remain, likely human rights violations would. Nor would Texas do well as a separate country. Funding and maintaining the southern border with Mexico would fall entirely on the shoulders of the state budget, plus they would have to add new border control to the west, north, and east. Massive tax increases would be required to construct fencing and funding agents. The United States certainly isn’t going to do it. Money would quickly become a problem in an independent Texas. Like most red states, it takes more federal money in than it sends out. Subsidies for agriculture and energy are an important part of keeping Texas financially soluble. The state would also cost roughly 9 million people on Medicare and Medicaid their health insurance. Texas would either have to build its own socialized health care system from the ground up or leave millions without access to care. Finally, the United States cannot afford to let states think they can just walk away. The secession movement in California is even larger and more organized than in Texas, but unlike the Lone Star State, there is a much bigger problem. California produces 11 percent of the nation’s food, and that production mostly occurs in heavily conservative areas that are a hotbed of secessionist activity. It wouldn’t take much to hold the country hostage by seizing the water supply there to bring America to its knees. If Texas pulls off a right-wing-controlled exit, why not the red parts of California? Why not Utah or New Hampshire and its huge libertarian population? The whole continent could collapse into independent and hostile fiefdoms that run on grievance and hatred of left-wing politics. No president is ever going to let that happen. If Texas tries to secede, the United States government would squash us like ants until we saw reason. **Many** **people will die.** Thousands will see their lives torn apart as the necessary infrastructure is fought over. Cities will become besieged. **Secession is** not a joke. It’s **an apocalypse.**

#### Even a push pushes over the brink

Ray Dalio, 6-5-2024, American investor, hedge fund manager, and author who founded Bridgewater Associates, "The Coming Great Conflict," TIME, https://time.com/6991271/civil-war-conflict-ray-dalio/, DOA 1-31-2025 //Wenzhuo + recut by Eli Chen at 12:30 AM

Pick a Side and Fight for It, Keep Your Head Down, or Flee I believe we now have to face the fact that fighting for democracy as we know it—with thoughtful disagreement and compromises governed by rule of law—is unlikely to work. People like me who had a long shot hope for the emergence of a strong middle that fights against the extremists to bring the country together and makes major reforms to improve the system must recognize that the differences are becoming too irreconcilable for this to happen. Based on the lessons I learned from studying history about how things typically transpire under similar circumstances, I believe that what we are now seeing is the parties increasingly moving to greater extremism and a fight-to-win at all cost mode. This is threatening the rule of law as we know it and is bringing us closer to some form of civil war. (As I will explain below, this is not necessarily a violent conflict, though that is possible). When I wrote my book Principles for Dealing with the Changing World Order, which looked at the rises and declines of domestic and world orders over the last 500 years, I chronicled the six stages of the “big internal order cycle,” their symptoms, and the cause-effect relationships that drive them. Just like life cycles, these stages are logical and everyone goes through them, typically about once in a lifetime. Toward the end of the cycle, which is where all the signs and symptoms show us to be today, people typically face a choice between fighting for one side or another, keeping their heads down, or fleeing. When I wrote the book in 2020, I saw the writing on the wall but had hoped for the possibility that we would not cross the brink into a type o**f civil war**, so I estimated the **chance** of that as about 1 in 3. At the time, this was considered a crazy **high** estimate (this was before the 2020 election being contested and the January 6th incident). **Now** I think the **risk of** some form of **civil war is** uncomfortably more than **50 percent**, and I am confident that in the **next year we will know** the answer to **whether we** will **cross the brink**. In a Nutshell How It Works Domestically in the US there are two political sides which are also each divided in two: 1) the right side (i.e., the red Republican team), which is divided into the hard right and the moderate right, and 2) the left (the blue Democratic team), which is divided into the hard left and the moderate left. Throughout history, in the later stages of the cycle of internal order and disorder, both sides become increasingly "hard" (extreme) for logical reasons. This is the part of the cycle that we are in. Classically, at this stage, wealth and values gaps are large, people have lost faith that the system will get them what they want, and the hard right and the hard left become increasingly committed to winning for their constituents at all costs, which eventually means abandoning the rules of the game and the judges and just fighting. In the current case and classically, the sides become unwilling to compromise as compromising is perceived as being weak and people are forced to either pick a side and fight for it, keep their heads down, or flee. You should be prepared to make that choice. To make the decision only a bit more extreme than it currently is, in looking at these two sides, if you had to choose between a fascist government and a communist government, which would you choose? If you are not knowledgeable about what fascism is (a dictatorship of the hard right) and what communism really is (a dictatorship of the hard left), I urge you to get schooled because if you have to make choices, it’s important to really understand them. The Case at Hand Most importantly, **there are now** big irreconcilable differences that are producing **win-at-all** **cost perspectives** that are **undermining** the **willingness to accept** the judgements of **the legal system**. That is very relevant to nearly all decision making—most importantly to legal and political decision making in and **beyond the election**. We should acknowledge and worry about what's going on and think about its implications. For example, we should pay attention to Maureen Dowd of the New York Times saying that the Supreme Court is "corrupt, rotten, and hurting America" and the numerous other similar attacks on the system. This is only one of a chorus of such comments. Comments like these beg questions such as 1) what is the definition of corruption, 2) if it is corruption, why don't those who are corrupt get prosecuted and convicted, and 3) if the judicial system and the judges don't make these decisions, how will they be made? Nowadays “corrupt” seems to mean what those on the other side of the political divide decide is corrupt. It is obvious to me that if people don’t rely on the judicial system to make unbiased decisions, decisions will instead be made by revolutionaries on both sides fighting it out. This of course is very relevant to the upcoming election, so let's play out how that will likely go. It seems to me that if Biden wins, it is likely that Trump and

**Civil war causes extinction – WWIII and draw in**

Michael **Laitman, PhD,** 8-25-**17** [Professor of Ontology and Theory of Knowledge, PhD in Philosophy, MSc in Medical Bio-Cybernetics] "There Will Be No Winners in the Second Civil War," Newsmax,<https://www.newsmax.com/MichaelLaitman/america-civil-war-newt-gingrich-don-lemon/2017/08/25/id/809867/>

Earlier this week, CNN news anchor Don Lemon stated that the president “is clearly trying to ignite a civil war in this country.” In response to Lemon’s words, historian and former House Speaker Newt Gingrich said in an interview on "Tucker Carlson Tonight": “I think we should take the threat of civil war very seriously.” Referencing Dennis Prager’s piece, “America's Second Civil War,” Gingrich added, “What you’re seeing with Antifa, what you’re seeing on college campuses, what you’re seeing, to some extent, in the bureaucracy, is a real division of the country. …I wish we could all sing Kumbaya and come together but I don’t think that’s what’s gonna happen. …As a historian, my view is pretty straightforward: one side or the other wins.” America is already so rife with extremists on both sides of the political aisle that many people see war not only as imminent, but as virtually inevitable. If that’s the case, we’d better get busy digging ourselves bunkers… and graves. And not just in the U.S. A **civil war in America will not end in America**. If the country plunges into battle, many will be vying for the loot. China, Russia, North Korea, Iran, and others will destroy whatever the war doesn’t, the **American empire will become history, and a third world war, with multiple nuclear powers, will follow**. There will be no winners because, to quote Machiavelli, “Wars begin when you will, but they do not end when you please.” Is there really no alternative? I think there is, or I wouldn’t be writing here. In my previous column, I noted that President Trump needs to take a more appeasing tone in order to start building national cohesion. It’s great to state, “No matter our color, creed, religion or political party, we are ALL AMERICANS FIRST,” but doing so right after the Charlottesville murderous car ramming is the epitome of poor timing. Such statements should be part of the president’s routine, not rare occasions. Trump excels in using social media. If he uses it to broadcast a constant stream of unifying messages, notwithstanding the cynicism of the press, he will win over the American people’s hearts regardless of their political affiliation. I wholly agree that America requires massive infrastructure projects. But the real infrastructure of the country is its people, not its asphalt roads or railroads. The administration needs to implement ASAP solidarity programs that will create a uniform American identity. People need to learn that an ideology that undermines freedom of speech, freedom of religious practice, and freedom of the press, cannot use the First Amendment to legitimize itself. Even more importantly, people need to learn that plurality of views is not a recipe for war; it is precisely what has made America great in the first place. When people of different approaches and views strive for the same goal, they are far more likely to achieve it. If the goal is the well-being of all Americans, the entire country will benefit from it, and this goal should top the priority list of every American. It might not seem possible to patch up the divided United States, but 1) no one has ever sincerely tried, and 2) the other option is war. With my students, I have developed simple and easily applicabl

qe techniques that create a sense of unity and connection even among the most unlikely populations, such as Israeli Jews and Palestinian Arabs, ultra-Orthodox and devout agnostics, and affluent and needy. These techniques work wonders wherever we have tried them: North America, Western and Eastern Europe, and in Israel. Today’s world is pushing toward **connection**. The interconnectedness of reality requires that we learn how to work in a world **where everyone is dependent on everyone else.** When we think in terms of “one side or the other wins,” we cannot succeed because we are perpetuating a mindset of separation. This will inevitably create unions of extremists that will feed on hatred of the other side, which in turn will lead to war. The only way to avoid this route is to **make unity mainstream**. If this seems unrealistic, think of your own body. Without the unity of radically different organs all working in unison for the common cause of sustaining you and keeping you healthy, you would not exist. Therefore, unity is not unrealistic; it is the only realistic option for society. The sooner we make American solidarity the prime value of America, the better it is for the entire country. Any decision that Trump’s administration and Congress make from here on should first and foremost promote unity and solidarity because this is truly the

#### Extinction.

**Sarg 15** — (Stoyan Sarg, Director of the Physics Research Department at the World Institute for Scientific Exploration, 10-9-2015, "The Unknown Danger of Nuclear Apocalypse", Foreign Policy Journal, https://www.foreignpolicyjournal.com/2015/10/09/the-unknown-danger-of-nuclear-apocalypse/, accessed 2-7-2025) //TH

With the new NATO plan for installation of nuclear tactical weapons in Europe, nuclear missiles may reach Moscow in only 6 minutes, and the opposite case is also possible in the same time. The question is: how can we be sure that this will not be triggered by a human error or computer malfunction. An adequate reaction dictated by the dilemma “to be or not to be” and the concept of preventive **nuclear strike** may lead to a nuclear consequence that is difficult to stop. At the present level of distributed controlled systems and military global navigations, this will lead to **unstoppable global nuclear war**. However, there is something not predicted, of which the military strategists, politicians and powerful forces are not aware. Probably, it will **not** be a **nuclear winter** that they hope to survive in their **underground facilities**. The **most probable** consequence will be a **partial loss** of the **Earth’s atmosphere** as a result of one or many **powerful simultaneous tornadoes** caused by the **nuclear explosions**. In a tornado, a powerful **antigravitational** effect takes place. The official science does not have an adequate explanation for this feature due to an incorrect concept about space. The antigravitational effect is not a result of the circling air. It is a specific physical effect in the aether space that is dismissed in physics as it is currently taught. Therefore, the effective height of this effect is not limited to the height of the atmosphere. Then in the case of many simultaneous **powerful tornadoes**, an **effect** of **suction** of the **earth atmosphere into space** might take place. Such events are **observed on the Sun** and the present physical science does not have an explanation for them. The antigravitational effect is accompanied by specific electric and magnetic fields with a twisted shape. This is observed in tornado events on the Sun. Some effects in the upper Earth atmosphere known as sprites have a similar combination of electrical and magnetic fields but in a weaker form. They are also a mystery for contemporary physical science. At the time of **atmospheric nuclear tests**, made in the last century, a number of **induced tornadoes** are observed near the **nuclear mushroom** as shown in Figure 1. The strongest anti gravitational effect, however, occurs in the central column of the formed nuclear mushroom. The analysis of underwater nuclear tests also indicates a strong anti gravitational effect. It causes a rise of a vertical column of water. In the test shown in Figure 2, the vertical column contains millions tons of water. Thermonuclear bombs are **multiple times more powerful**. The largest thermonuclear bomb of the former Soviet Union tested in 1961 is 50 megatons. It is 3,300 times more powerful than the bomb dropped by USA on Hiroshima at the second world war and may kill millions. It is known that Mars once had liquid water and consequently an atmosphere that has mysteriously disappeared. If the scenario described above takes place, the Earth will become a **dead planet like Mars**. The powerful politicians, military adventurers and their financial supporters must be aware that even the most secured **underground facility** will not save them if a global nuclear conflict is triggered. Their disgraced end will be more miserable than the deaths of the billions of innocent human beings, including the animal world.

## **1NC - Israel**

#### **Despite the Israel-Hamas ceasefire, arms sales have reached record highs.**

**Whisnant from yesterday** — (Gabe Whisnant, Weekend Editor at *Newsweek* based in South Carolina, directed daily publications in North and South Carolina, graduate of the University of North Carolina-Wilmington, 2-7-2025, "US announces $7 billion in arms sales to Israel after Netanyahu DC visit", Newsweek, https://www.newsweek.com/us-announces-7-billion-arms-sales-israel-after-netanyahu-dc-visit-2028166, accessed 2-7-2025) //TH

The State Department informed **Congress** of its plan to **sell** over **$7 billion in weapons to Israel**, which includes thousands of bombs and missiles. This announcement comes just two days **after** President Donald **Trump met with** Israeli Prime Minister Benjamin **Netanyahu** at the White House. This significant arms sale occurs **amidst** a fragile **ceasefire agreement** between Israel and Hamas. Despite the truce holding, Trump continues to promote his controversial proposal to relocate all Palestinians from Gaza and redevelop the area as an international travel destination. Why It Matters The weapon sale represents another **move** in Trump's efforts to **enhance Israel's arsenal**. In late January, shortly after taking office, Trump lifted the hold on sending 2,000-pound bombs to Israel. Previously, the Biden administration had paused the shipment due to concerns about civilian casualties, especially during an assault on the southern Gaza city of Rafah. What To Know The State Department announced on Friday that it had submitted two separate arms sales to Congress. The first sale, valued at $6.75 billion, includes a wide range of munitions, guidance kits, and related equipment. This package comprises 166 small diameter bombs, 2,800 500-pound bombs, and thousands of guidance kits, fuzes, and other bomb components and support equipment, with deliveries starting this year. The second arms package is for 3,000 Hellfire missiles and associated equipment, estimated at $660 million. The deliveries of these missiles are slated to commence in 2028.

#### **US membership and enforcement of ICC warrants would limit Israeli weapons imports.**

**Shamim 24** [Sarah Shamim is a reporting fellow at the Pulitzer Center. “Arms to Israel: Will Countries Halt Sales in Wake of ICC Arrest Warrants?” *Al Jazeera*, Al Jazeera, 22 Nov. 2024, www.aljazeera.com/news/2024/11/22/arms-to-israel-will-countries-halt-sales-in-wake-of-icc-arrest-warrants. DOA: December 29, 2024 // harris //recut TH]

Western nations which sell arms to Israel may be forced to re-evaluate their trade agreements after arrest **warrants issued by the** International Criminal Court (**ICC**) **against** Israeli Prime Minister Benjamin **Netanyahu** and his former Defense Minister Yoav Gallant for “war crimes” and “crimes against humanity” in Gaza, experts say. The warrants **came amid Israel’s continuing bombardment and military campaign on the Gaza Strip**, where more than 44,000 Palestinians have been killed since October 7, 2023, according to health officials. All 124 countries which are signatories to the Rome Statute of the ICC are now legally obliged to arrest Netanyahu and Gallant if they set foot on their territory. The question of whether countries supplying arms to a country whose leaders are accused of crimes against humanity could be considered complicit is unclear, but experts say some suppliers will have to consider carefully if they wish to continue to support Israel in its war on Gaza. Which countries provide arms to Israel? Stockholm International Peace Research Institute (SIPRI) estimated that between 2019 and 2023, Israel was the 15th largest importer of arms globally. It said the United States, Germany, the United Kingdom, France and Spain export arms to Israel. A United Nations report published on February 23, 2024 says Canada and Australia have also exported weapons to Israel. The US **Israel imported 69 percent of its weapons from the US** between 2019 and 2023, according to SIPRI. The principle of ensuring that Israel has a “qualitative military edge” was enshrined in US law in 2008. After October 7, 2023, when Israel launched its ongoing assault on the Gaza Strip following a Hamas-led attack on villages and army outposts in southern Israel, the US further ramped up the transfer of weapons to Israel. Last month, Washington announced it would send its advanced Terminal High Altitude Area Defense (THAAD) missile defence system to Israel, along with US soldiers who would operate the system. On Wednesday, the US Senate voted down an effort led by independent Vermont Senator Bernie Sanders to block a series of planned weapons sales to Israel. Sanders introduced the bill against a $20bn weapons deal which had been approved by the administration of President Joe Biden. **So far, the US**, which is not a signatory to the Rome Statute of the ICC, **has shown no signs of being prepared to reduce or halt weapons to Israel**. “We fundamentally reject the court’s decision to issue arrest warrants for senior Israeli officials,” White House spokeswoman Karine Jean-Pierre told reporters. This sentiment was shared by many politicians from both parties in the US. **Germany** SIPRI estimates weapons sent by Germany constitute 30 percent of Israel’s weapon imports, a tenfold rise in 2023 compared with 2022. Germany mostly sends naval equipment to Israel, including frigates and torpedoes. In March, Nicaragua filed a case at the International Court of Justice (ICJ), asking the court to order Germany to immediately stop exporting arms to Israel because “this aid is used or could be used to commit or to facilitate serious violations of the Genocide Convention, international humanitarian law or other peremptory norms of general international law”. On April 30, the court rejected the request, saying the monetary value of the weapons for which Germany granted export licences had decreased. In June, several Palestinians in Gaza filed requests to an administrative court in Berlin to stop the German government from exporting weapons. These requests were also rejected. In September, a spokesperson for the German Ministry for Economic Affairs said: “There is no German arms export boycott against Israel.” **The UK** SIPRI data shows that while the UK has not provided Israel with major arms since the 1970s, it has provided components for various systems such as the F-35 combat aircraft. “No lethal or other military equipment has been provided to Israel by the UK Government since 4 December 2023,” then-Minister of State for the Armed Forces Leo Docherty told Parliament in April 2024. Official data on export permits in June 2024 showed that 108 licences, for which Israel was listed as a recipient, had been approved since October 7, 2023. In September this year, the UK suspended 30 licences out of a total of 350. These 30 pertained to weapons that the UK believed were being used in military operations in Gaza. Which other countries have restricted arms sales over the course of the war? France According to data by SIPRI, France did not send weapons to Israel between **2019 and 2023**, and the **last time** it sent weapons was in **1998.** However, France does supply components used to build weapons. In June, French investigative media website, Disclose, revealed that France had sent electronic equipment for drones suspected of being used to bomb civilians in Gaza. In October, French President Emmanuel Macron told French media: “I think that today, the priority is that we return to a political solution, that we stop delivering weapons to fight in Gaza.” He added: “**France is not delivering any.**” **Italy** SIPRI estimates that Italy’s weapons sent to Israel accounted for 0.9 percent of Israel’s weapons imports between 2019 and 2023. Italy mostly sent light helicopters and naval guns. The Italian government made repeated assurances that Italy had not sent weapons to Israel since the war broke out. Prime Minister Giorgia Meloni said in the Italian Senate in October this year: “The government immediately suspended all new export licences, and all agreements signed after October 7th [2023] were not implemented.” However, in March this year, Italian Defence Minister Guido Crosetto said despite these assurances, Italy had sent some weapons to Israel. Crosetto said these were the weapons for which orders were signed before October 7. Independent Italian media outlet Altreconomia analysed data from statistics agency ISTAT and reported that Italy had sent 2.1 million euros ($2.2m) in arms and munitions to Israel in the last three months of 2023. **Spain** The Spanish Ministry of Foreign Affairs, European Union and Cooperation issued a news release in February 2024 saying arms sales to Israel had not been authorised since October 7, 2023. Euronews reported that Spanish investigative journalists found that in November 2023, munitions worth 987,000 euros ($1.03m), were sent to Israel under a licence approved before October 7, 2023, however. Canada In February this year, Canadian Foreign Affairs Minister Melanie Joly said Canada would stop all arms shipments to Israel. However, campaigners claimed that Canada was sending weapons to Israel via the US instead. In September, Joly said Canada had suspended 30 permits for arms sales to Israel. It is unclear how many permits in total exist. Joly added that Canada had cancelled a contract with a US company that would sell Quebec-manufactured arms to Israel. Belgium, Japanese company Belgium and a Japanese company have also suspended weapons exports to Israel. How might the ICC arrest warrants affect arms sales to Israel? By issuing the arrest warrants for Netanyahu and Gallant, relating to war crimes and crimes against humanity, “the ICC has also made a certain demand on Western countries both in North America and throughout Europe,” Neve Gordon, professor of international law at Queen Mary University of London told Al Jazeera. “And that has to do with the kind of trade agreements that they have with Israel – first and foremost with the trade relating to arms.” **He added: “If leaders of Israel are charged with crimes against humanity, then this means that the weapons provided by Western nations are being used to commit crimes against humanity.” The ICC decision could** well therefore **lead more** Western **countries to place embargoes on weapons exports to Israel**, Eran Shamir-Borer, the director of the Center for National Security and Democracy at the Israel Democracy Institute told Israeli newspaper Haaretz. Shamir-Borer was formerly part of the Israeli military. Most countries have a memorandum of arms trade which sets out the conditions under which arms can be traded, Gordon said. In each memorandum, a provision clearly states that the country “cannot send weapons to an entity that uses the weapons to carry out serious violations of international humanitarian law such **as** the 1949 four Geneva Conventions and the 1977 Additional Protocols”. He said, so far, many countries had either ignored these provisions or only slightly limited the types of weapons they send. **However, now that the warrants have been issued, those** countries could also possibly be considered to be **complicit in war crimes and crimes against humanity.** “I assume NGOs within the countries will file petitions in the domestic courts to question the legality of continuing to send arms to Israel. **“Even before the ICC decision, Spain and the UK and France limited the weapons they send, but now I think there is a chance that they will have to restrict it further.”**

#### **Although it is contained now, perceptual decline forces the Israeli hand.**

**Shapiro 17** *[Daniel B. Shapiro, Master’s Degree in Middle East Studies from Harvard University, BA in Near Eastern and Judaic Studies from Brandeis University, Principal at WestExec Advisors, Distinguished Visiting Fellow at the Institute for National Security Studies, Former U.S. Ambassador to Israel and Senior Director for the Middle East and North Africa on the National Security Council during the Obama Administration; “Trump’s International Debacles Spell Trouble for Israel”*; The Times of Israel Blog; 6/4/2017;<https://blogs.timesofisrael.com/trumps-international-debacles-spell-trouble-for-israel/>] //recut TH

Second, the **perception of US** **strength** and its **credibility** **as a reliable ally are critical** **Israel**i assets. So closely al**i**gned with the **U**nited **S**tates, and **reliant on US security assistance**, Israel obviously depends on American support to ensure its own ability **to defend itself** **and** to **deter enemies** who might attack. The **perception of an unreliable** **U**nited **S**tates, **turning** **away** **from** its closest allies, withdrawing from signed agreements, and calling into question solemn commitments, does Israel no favors. As the US reputation as an ally declines, more of Israel’s enemies may be prepared to challenge it, dubious as they will be about how the United States will respond. How can **Israel** take American pledges seriously, when even the United States’s oldest and closest allies cannot? Finally, **Israel has** good **reason to be unnerved** by the articulation of a new America First doctrine, outlined most recently by White House Economic Adviser Gary Cohn and National Security Adviser H.R. McMaster in an op-ed in the Wall Street Journal, and exemplified by the Paris Accords decision. Cohn and McMaster describe a theory of international relations that is purely transactional and competitive. To state the obvious, such a model produces relations between nations that are inherently less stable, as the organizing structures of alliances that seek to advance common interests give way to a “winner takes all” mentality, even among friends.

#### **Escalation - Israel will attack Iran**

**Ross 22** [Dennis Ross -distinguished Professor at Georgetown University, former Distinguished Lecturer at Harvard University, Distinguished Fellow at the Washington Institute for Near East Policy, former Senior Director at the National Security Council and Director of Policy Planning in the State Department, PhD from the University of California Los Angeles; 09/2022; A New Iran Deal Won’t Prevent an Iranian Bomb;<https://foreignpolicy.com/2022/09/09/a-new-iran-deal-wont-prevent-an-iranian-bomb/#cookie_message_anchor>] //ose //recut TH

Although those making this case are willing to live with an Iranian nuclear bomb capability, they fail to see how others in the region are going to respond even as they draw false lessons from the Cold War about the prospect of stability in a nuclear-armed Middle East. For example, **Israel**—which **believes** a **nuclear-armed Iran is** an **existential** threat to the Jewish state—**will** become far more likely to **launch major** military **strikes** **against** the Iranian **nuclear infrastructure** **if** it sees **the U**nited **S**tates and others **are ready to live** **with** an **Iran** with **nukes**. Similarly, the crown prince of Saudi Arabia has declared that if Iran has a nuclear weapons capability, the kingdom will get one as well. Will Egypt and Turkey be far behind?

Those who take comfort in the experience of the Cold War and the balance of terror that existed between the United States and the Soviet Union appear to think that the same logic or principles will apply in the Middle East as well. But they overlook at least two factors: First, both the United States and the Soviet Union had secure second-strike capabilities, meaning they could not be prevented from retaliating with their nuclear forces even if struck first. In the **Middle East**, apart from Israel—which reportedly has the capability to launch **nuclear**-armed missiles from submarines—it **would take years to develop second-strike capabilities**, leaving their **nuclear forces** highly **vulnerable to a preemptive strike.**

**In** a **crisis**, all actors would be on a hair trigger, making a **nuclear strike and war** all too **possible**. Second, even with the so-called reality of mutually assured destruction, the world came much too close to a nuclear cataclysm during the Cold War. Aside from the Cuban Missile Crisis, which brought humanity much closer to a nuclear war than anyone knew at the time, it’s also now well-known that the Soviets misread a large-scale 1983 NATO exercise, believing it was the prelude to an attack, and they were preparing a nuclear strike. Luck averted a nuclear exchange.

**Extinction per sarg in c1**

#### **It’s quick—Israel is confident, has the capabilities, and the ceasefire removes retribution.**

**Bob 25**— (Yonah Bob, well-connected to top Israeli ministries, the IDF, the Foreign Ministry, and the Justice Ministry, graduated from Columbia University and Boston University Law School, 1-6-2025, "Israeli attack on Iran's nuclear program in 2025 could transform Middle East", The Jerusalem Post | JPost, https://www.jpost.com/middle-east/article-836327, accessed 2-7-2025) //TH

How **Israel** could **attack and destroy** **Iran’s nuclear program** has transformed in the last nine months, even more so in the last few. Before April 19, an attack on Iran’s nuclear program was theoretically possible via an aerial attack using Israel’s stealth capabilities to eliminate Iran’s advanced S-300 anti-aircraft radar systems, followed by waves of strikes on key nuclear program sites. Another goal would have been to disable Iran’s underground facility at Fordow by dropping a series of 5,000-pound or smaller weapons, one after another, on the same spot. Over the past few months, Prime Minister Benjamin Netanyahu took credit for the Israel Air Force destroying Iran’s S-300 anti-aircraft radar systems on April 19, and the rest on October 26. This means that **at any moment, Israel could launch an airstrike on the nuclear program**, which is **essentially undefended** in any real way from such strikes – for now. Put differently, what a **year ago** would have been seen as a **risky** mission, is **now** something, from a military point of view, that has already been partially done, with the rest remaining **very doable**. Tehran had three main indirect ways to scare Israel off from attacking its nuclear program. If Jerusalem dared to carry out such a strike, it was promised a hellfire of missiles from **Hamas and Hezbollah** – and powerful, unusually dangerous ballistic missiles from Iran itself. The two terrorist groups, at least for now, are **disarrayed and disorganized**, and so are **unable to help** their **Iran**ian sponsors. The Islamic Republic itself has fired 300 ballistic missiles at Israel in two separate volleys on April 13-14 and October 1 and did not manage to harm Israelis or Israel’s airpower, despite striking some unmanned air bases. With help from the US and having its first real test of the Arrow 2 and 3 missile defense system, Israel managed to shoot down the vast majority of the ayatollahs’ ballistic missile threats. SO, EVEN before the American election – and last week – an attack on Iran’s nuclear program no longer carried anywhere near the same risks, not as far as the operation itself, or regarding the nightmarish response that might be expected from Tehran. During the US election campaign, President-elect Donald **Trump publicly called on Israel to strike Iran’s nuclear sites**. Since he was declared victor, he has reportedly continued to support such a strike, should Tehran not back down from its nuclear advances in a serious way. Several reports have even suggested that he will finally give Israel a bunker-buster capability to carry out the attack. Despite repeated requests from Israel, Trump did not do so in his first term. Even if he doesn’t do it in the next, his strong support of an attack relieves Israel of much of the **diplomatic worries** it had regarding such an operation from the Biden administration. Trump’s new administration can be relied on to **provide Israel a defensive umbrella** from Iranian ballistic missiles following such an attack – whereas, with the Biden administration, its response in such a scenario was a question mark. New possibility for eliminating Iran’s nuclear sites Last week suggested another new possibility for eliminating Iran’s nuclear sites. Israeli officials, on the record, have been smartly remaining completely silent about the possibility of doing to Iran’s Fordow nuclear facility what the IDF did to Iran’s underground Masyaf missile facility in Syria. One does not need to have access to classified information to see the clear parallels. If the IDF could bring 120 Special Forces for three hours into Syria to destroy a sensitive Iranian facility, in the best-defended part of Syria from both air and on the ground after Damascus, why couldn’t Israel carry out an adapted version of such an operation at Fordow? Suddenly, there is a **public possibility** that Israel could eliminate Iranian nuclear facilities either by airstrikes or by a Special Forces operation. The truth is that even using the concept of the Masyaf operation should not be too unheard of. ISRAEL HAS taken public credit for covertly killing former Hamas leader Ismail Haniyeh in the heart of a highly secure Islamic Revolutionary Guard Corps facility in Tehran in July, and for seizing Iran’s nuclear secrets from a similarly high-value facility in Tehran in 2018 – not to mention the several Iranian nuclear facilities that Iran accused the Mossad of covertly blowing up between 2020 and 2021. In some ways, it could be argued that the unexpected IDF decision to publicize all of the details of Masyaf was to be as “in your face” as possible to its adversaries about the **many different ways the military can get to any strategic site, under or above ground**. This also all took place after Reuters reported in November that Iran started building a “defensive tunnel” in Tehran following Israeli counterstrikes on October 26. The last element to consider is **time**. Several **top Israeli officials**, including former prime minister Naftali Bennett and former defense minister Avigdor Liberman, called for striking Iran’s nuclear facilities both back in October and right now, in the limbo period between the Biden and Trump presidencies. Since no such attack took place, it appears clear – and sources have confirmed – that **Israel prefers to first see** what **Trump’s** preferred **time frame** and strategic handling of Iran will look like. All of the events since April, up until and including last week’s disclosures of the Masyaf operation, should leave no room for doubt: **if Israel wants to attack Iran’s nuclear program it could do so, in** multiple ways. How much time Iran has to back down from the nuclear standoff to avoid an attack – **a month**, several months, or a year – is probably the only question that remains.

#### **During conflict, the ICC is ineffective.**

**Duursma 20** — (Allard Duursma, Assistant Professor in Conflict Management and International Relations, University of Oxford, 3-27-2020, "Pursuing justice, obstructing peace: the impact of ICC arrest warrants on resolving civil wars", Taylor & Francis, https://www.tandfonline.com/doi/full/10.1080/14678802.2020.1741934?scroll=top&needAccess=true, accessed 2-3-2025) //TH

The impact of ICC involvement on peace processes once mediation is underway is quite different. Domestic courts are unlikely to be willing to prosecute government members targeted by the ICC or able to prosecute rebels in practice, in spite of the complementarity principle laid down in the Rome Statute. In countries in which the ICC has targeted individuals, the judicial and the executive branch could be intertwined. This means that governments are unlikely to allow domestic courts to prosecute any of its members, let alone domestically prosecute a head of state. Since the domestic prosecution of people on the government and the rebel sides is not a viable route, the only justice mechanism in place is the ICC. This **undermines the prospect for conflict resolution**, since it makes the government side determined to gain a victory rather than conclude a peace agreement. The government side will perceive the conclusion of a peace agreement in which political power is shared with the armed opposition as risky because this might lead to a shift in political power in the future, paving the way for an arrest that leads to a trial in The Hague.

Indeed, the arrest warrant issued against Sudanese President al-Bashir was perceived in Khartoum **as a matter of state survival**. As US Special Envoy to Sudan Andrew Natsios commented on this arrest warrant, the regime in Khartoum “will do **everything necessary to remain in power** and make sure that Bashir is never arrested.’ The arrest warrant issued against Libyan President Muammar Gaddafi had a similar effect. The International Crisis Group observed with regard Gaddafi in 2011 that “[t]o insist that he both leaves the country and face trial in the International Criminal Court is virtually to ensure that he will stay in Libya to the bitter end and go down fighting.’ The ICC arrest warrant issued against Gaddafi indeed complicated the mediation effort. Finally, although the ICC had not yet issued an arrest warrant against President Gbagbo of Côte d’Ivoire prior to the end of the civil war on 11 April 2011, the ICC investigation regarding his role in the violence in Côte d’Ivoire may very well have motivated Gbagbo to continue to resist stepping down from power and conclude an agreement aimed at a transition of political power. The ICC chief prosecutor issued a statement regarding the situation in Côte d’Ivoire on 21 December 2010 in which he promised that “those leaders who are planning violence will end up in The Hague.’ McGovern asserts that with this statement, the chief prosecutor “ensured that Gbagbo would reject any negotiated solution and instead fight to the end.’ In short, the targeting of individuals on the government side greatly complicates peace efforts, since continued fighting is often perceived as the only way to circumvent prosecution by the ICC.

In addition, domestic courts could be unable to prosecute rebels who are targeted by the ICC. Notable cases in which domestic courts did have this ability are the Ituri courts in the DRC and the International Crimes Division in Uganda. Although ICC arrest warrants issued against rebels allows for flexibility in terms of decisions about accountability, ICC arrest warrants issued against rebels inhibits the conflict parties from agreeing on an amnesty. Rebels are unlikely to lay down their weapons with ICC arrest warrants against some of its members in place, **even if they anticipate that they could face a domestic trial** based on the complementarity principle. Framing their theoretical argument on the basis of the cost-benefit analyses that conflict parties make, Snyder and Vinjamuri explain how conflict parties will be reluctant to make peace if this means they will have to face trial for any human rights abuses they may have committed. ICC arrest warrants issued against the leadership within rebel parties in civil wars thus means that these leaders are likely to see little reason reach a negotiated settlement if this can result in their detention. Indeed, while prospects for the resolution of the LRA rebellion seemed positive at first, when it became clear to Joseph Kony by January 2008 that facing a domestic trial would be the only option to circumvent the ICC arrest warrant, he started to increasingly show his dissatisfaction with the peace process and eventually decided to not sign the final peace agreement.

In short, ICC involvement provides **strong disincentives** to conflict parties to lay down their weapons and resolve the conflict. The prospect of having to face a trial, even if this a domestic trial based on the complementarity principle, pushes conflict parties away from making peace.

#### AND, even if it was effective, I-Law goes out the window

**Posner 25** — (Eric Posner, a professor at the University of Chicago Law School, is the author of How Antitrust Failed Workers (Oxford University Press, 2021), 1-16-2025, "What Happened to International Law?", https://www.project-syndicate.org/commentary/international-law-

becoming-irrelevant-amid-backlash-to-globalization-by-eric-posner-2025-01) //doa2-7-2025 + master chen 💆

Israel’s recent strikes in Syria may violate international law, yet they are merely one example among many such violations – and not only on the battlefield. The ruins of international law are all around us, reflecting the breakdown of globalization, neoliberal democracy, and other postwar American-led projects. CHICAGO – Over the last two weeks, Israel has repeatedly attacked Syria – destroying military facilities and occupying territory – in clear violation of the United Nations Charter, which forbids the use of military force against foreign states except in self-defense or with the authorization of the Security Council. johnson182\_MANDEL NGANAFP via Getty Images\_trump Subscriber Favorite Economics 7 The Economic Consequences of Trump 2.0 Simon Johnson explains why reality is unlikely to come close to matching the US president-elect's rhetoric. While some countries have condemned Israel, the United States and most others are withholding criticism. They probably fear that if Syria’s weapons are not destroyed, they could fall into the hands of terrorist organizations. Never mind that **international law** does not allow for such exceptions; it **has become another casualty of events**. Israel’s strikes in Syria are hardly an isolated example. The ruins of international law are all around us. Russia invaded Ukraine in 2014 and again in 2022, illegally annexed Ukrainian territory, committed atrocities against Ukrainian soldiers and civilians, and now faces accusations of genocide. China has used violence to expand its control over the South China Sea, and it now seems poised to invade Taiwan – an outcome that no one believes will be stopped by international law. Moreover, the US military interventions in Afghanistan, Iraq, Libya, Syria, and elsewhere over the past few decades were all based on dubious legal theories. International crimes are occurring worldwide, in conflict-ridden places like Israel and Gaza, Myanmar, Ethiopia, and Sudan, and within authoritarian countries that are at peace. Nor ar**e wars** and violence the only **indications of international law’s decline**. The same trend afflicts the global economy. With its appellate body unable to function, the World Trade Organization has sat by helplessly as the world turns to protectionism. Likewise, the International Court of Justice and the International Criminal Court’s feeble records make a mockery of their founders’ ambitions. The ICJ was supposed to prevent war, and the ICC to ensure justice for victims of war crimes. But neither court does much at all. A less visible, but equally important, development is that international investment law has provoked a backlash from its intended beneficiaries. Bilateral investment treaties were supposed to promote economic development in poorer countries by protecting foreign investors from expropriation. B**ut there is little evidence that the law** has **help**ed these countries catch up. Instead, multinational corporations have used it to block developing countries from implementing economic reforms and environmental regulations that might cut into their margins. PS\_YA25-Onsite\_1333x1000 Secure your copy of PS Quarterly: The Year Ahead 2025 Our annual flagship magazine, PS Quarterly: The Year Ahead 2025, has arrived. To gain digital access to all of the magazine’s content, and receive your print copy, subscribe to PS Digital Plus now. Subscribe Now Meanwhile, international law protecting migrants has spurred a nativist backlash in many destination countries, especially those that have been flooded with asylum seekers. As democracy recedes around the world, human-rights law is in tatters. Many governments are stripping citizens of basic legal protections, and political repression is on the rise in countries once thought to be on the road to political freedom. Even the European Union, the most successful international organization, lost the United Kingdom, has had to contend with illiberal governments in Hungary and, until recently, Poland, and faces new challenges as Euroskeptic far-right parties gain power in its member states. In the United States, Donald Trump won the 2024 presidential election despite, or perhaps because of, his contempt for international law. In his first term, the US withdrew from more than a dozen international agreements and organizations relating to security, human rights, climate change, and migration. Now, Trump plans to withdraw the US from the World Health Organization, as benign an international institution as there is, on the first day of his next term. But Barack Obama and Joe Biden also did little to promote international law during their respective terms. US recalcitrance has been bipartisan. Why has this happened? The simplest explanation is that **international law is a victim of the anti-globalization backlash.** Globalization was once the promised path to freedom and riches, but today people associate it with uncontrolled migration, job loss, pandemics, financial crises, and conflict. The benefits it generated for global economic growth were not sufficiently large, widespread, or visible to offset the real or perceived harms. But international law was supposed to lock into place a liberal global order. In the 1990s, officials and commentators argued that international law enforces itself: as it spreads, it is internalized by states through their bureaucracies and further entrenched by public opinion. In fact, international law exists only to the extent that states – meaning their leaders, elites, and public – are willing and able to enforce it. Enforcing international law is costly to the enforcer, who must impose sanctions, cut off diplomatic relations, or engage in other actions that may harm it as much as, or more than, the violator. As governments increasingly realized that the law stood in the way of their objectives, which change in response to changes in domestic needs and international relations, the incentive to maintain it waned. It didn’t help that by the 1990s, it was common to claim that international law reached deep into states’ traditional jurisdictions, with provisions to regulate family relations, religious norms, cultural values, and the organization of the economy. Supporters of international law believed that it would spur countries to adopt common moral and political values; it obviously has not. They also believed that countries would kneel to the Washington Consensus – free trade and investment, property rights, robust markets, low taxes – since all these things seemed to make sense in the US and the West in the 1990s. But such policies turned out to be hard to impose on other countries and – we now know – hard to sustain at home. National prosperity depends on stability, and stability requires the broad sharing of economic benefits, respect for local cultures and norms, and a sense among citizens that their political leaders answer to them, not to the foreign NGOs and international bureaucracies that have become convenient political footballs. In the past, international law focused on protecting sovereignty, establishing basic forms of coordination (such as borders, time zones, maritime rules, and communication protocols), and, with more limited success, restricting the most extreme forms of violence, especially in war. Quite a few states, and not just China and Russia, have long urged the world to return to this modest but sustainable approach. The US, championing liberal internationalism, stood in the way. Under Trump, it may join them.

# 

# **2NC**

They say the court has only been able to do 1% of their potential but there evidence never says that

* U can prob drop them for paraphrasing here because they skewed my time checking their evidence

## A2 Funding

**DL. The ICC has no way to enforce funding – they can’t guarantee that the US is going to fund the court post-aff, especially given the US’ historical antagonization of the court (esp Trump’s recent sanctions!!!).**

**Ferragamo 24** — (Mariel Ferragamo [Mariel Ferragamo covers Africa and global health and edits the Daily News Brief. Her previous experience includes roles at the Energy for Growth Hub and in the U.S. Congress. Mariel holds a bachelor’s degree in environmental policy from Colby College and a certification in journalism from New York University.], 11-22-2024, "The Role of the ICC", Council on Foreign Relations, https://www.cfr.org/backgrounder/role-icc, accessed 2-3-2025) //FK

The ICC’s annual budget for 2024 stands at roughly $187 million [PDF], the vast majority of which comes from member states. Contributions are determined by the same method the United Nations uses to assess dues, which roughly correspond to the size of each member’s economy. In 2022, the largest contributions [PDF] came from Japan, Germany, France, and the United Kingdom. **Some countries, notably Argentina, Brazil, and Venezuela, have run up millions of dollars in overdue payments.**

1. Also, the US is extremely unlikely to fund the ICC because the US is actively sanctioning the ICC right now – they are not going to do a full 180 on the global stage – that would be hypocritical
2. And, even if they prove the ICC has more funding, the ICC will only conduct more investigations and prosecutions which EMPIRICALLY CAUSE MORE HARM THAN GOOD IN CONFLICT:

**T. ICC investigations anger those being investigated, which leads to further harm to civilians.**

Schaefer 09 --- (Brett D. Schaefer, [*Brett D. Schaefer is Jay Kingham Fellow in International Regulatory Affairs and Steven Groves is Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.*], 8-18-2009, "The U.S. Should Not Join the International Criminal Court", https://www.heritage.org/report/the-us-should-not-join-the-international-criminal-court) //doa1-26-2025 + master chen :)

In each of these cases, a reasonable conclusion could be made to determine whether a crime was committed. For instance, many human rights groups allege outrages on personal dignity and "humiliating and degrading treatment" were committed at the detention facility at Guantanamo Bay, Cuba. The U.S. disputes these claims. Excessive use of force has been alleged in Israel's attacks in Gaza, while others insist Israel demonstrated forbearance and consideration in trying to prevent civilian casualties.[77] There is also an ongoing international effort to ban landmines and cluster munitions. If the ICC member states agree to add them to the annex of banned weapons, it could lead to a confrontation over their use by non-party states, such as the U.S., which opposes banning these weapons. These are merely some scenarios in which politicization could become an issue for the ICC. Disruption of Diplomatic Efforts. **ICC decisions to pursue investigations and indictment**s can **upset delicate diplomatic situations**.Although the U.N. Security Council has been largely deadlocked over placing strong sanctions on the government of Sudan for its complicity in the terrible crimes in Darfur, it did pass a resolution in 2005 referring the situation in Darfur to the ICC. In summer 2008, the **ICC announced that it would seek an indictment against Sudanese President Omar al-Bashir** for his involvement in crimes committed in Darfur. On March 4, 2009, a warrant was issued for his arrest.[78] Issuing the arrest warrant for Bashir was certainly justified. His government has indisputably supported the janjaweed militias that have perpetrated massive human rights abuses that rise to the level of crimes against humanity. His complicity in the crimes demands that he be held to account. Regrettably, **the decision to refer the case to the ICC a**nd the subsequent decision to issue an arrest warrant for the sitting Sudanese head of state have **aggravated the situation** in Darfur and may **put more innocent people at risk. In response** to his indictment, **Bashir** promptly **expelled vital humanitarian NGOs from Sudan.**[79] **Bashir may ultimately decide he has nothing to lose and increase his support of the janjaweed, encouraging them to escalate their attacks, even against aid workers and U.N. and AU peacekeepers serving in the African Union/UN Hybrid operation in Darfur (UNAMID)**. It could also undermine the 2005 peace agreement meant to reconcile the 20-year north-south civil war, which left more than 2 million dead. Moreover, the decision to seek the arrest of Bashir, cheered by ICC supporters, may actually hurt the court in the long run. African countries, which would bear the most immediate consequences of a more chaotic Sudan, have called on the Security Council to defer the Bashir prosecution. Sudan's neighbors may be forced to choose between arresting Bashir, which could spark conflict with Sudan, or ignoring the court's arrest warrant. Indeed, all AU members except for Botswana announced in July 2009 that they would not cooperate with the ICC in this instance. South Africa subsequently announced that it would honor the ICC warrant in August 2009.[80] Whether the AU decision will have broader ramifications for the court's relationship with African governments remains to be seen. Some African ICC parties have mentioned withdrawing from the Rome Statute.

**2] T. ICC involvement prolongs war**

**Prorok 17** --- (Alyssa K. Prorok [​Welcome to my website! I am an Associate Professor in the Political Science department at the University of Illinois at Urbana-Champaign (UIUC). In my research, I seek to understand how conflict ends and why combatants behave the way they do during war. Within these areas, my work is connected by three prevailing themes: a focus on how leaders' political incentives affect conflict behavior, an interest in how combatants' incentives are influenced by international law and legal institutions, and a dedication to developing original data to best answer the questions that drive my research.], xx-xx-2017, "The (In)compatibility of Peace and Justice? The International Criminal Court and Civil Conflict Termination on JSTOR", https://www.jstor.org/stable/44651940?read-now=1#page\_scan\_tab\_contents) //doa1-29-2025 + master chen :)

Does the International Criminal Court's (ICC) pursuit of justice facilitate peace or prolong conflict? This paper addresses the "peace versus justice" debate by examining the ICC's impact on civil conflict termination. Active **ICC involvement** in a conflict **increases the threat of punishment for rebel and state leaders, which**, under certain conditions, **generates incentives for these leaders to continue the conflict as a way to avoid capture, transfer to the Hague, and prosecution.** The impact of ICC involvement is conditional upon the threat of domestic punishment that leaders face; as the risk of domestic punishment increases, the conflict-prolonging effects of ICC involvement diminish. I test these theoretical expectations **on a data set of all civil conflict dyads from 2002 to 2013.** Findings support the hypothesized relationship. Even after addressing potential selection and endogeneity concerns, I find that active involvement by the ICC significantly decreases the likelihood of conflict termination when the threat of domestic punishment is relatively low As expected, **ICC involvement significantly** decreases the likelihood of conflict termination in Model 1, thereby **lengthen**ing **war**. Figure 1 demonstrates that **this effect is sizeable**: the predicted probability of termination without ICC involvement is 21 percent, but drops to 1 1 percent when the ICC is involved**, a 47 percent decrease in the likelihood of termination**. Model 2 tests the conditional hypothesis. ICC involvement is again negative, as is the civilian deaths disparity, while the interaction term is positive. Because this is a nonlinear model with an interaction, I turn to first differences and predicted probabilities to determine the significance and substantive impact of ICC involvement, conditional on the threat of domestic punishment.87 Figure 2 presents these post-estimation results graphically. Panel A presents the predicted probability of termination with ICC involvement versus without as the dis- parity in civilian deaths increases along the x-axis. Panel B presents the change in predicted probabilities when moving from no ICC to active ICC involvement. inally, **I address the potential endogeneity of ICC involvement**. If the ICC is most likely to become involved in the hardest cases - those least likely to end - then the observed impact of ICC involvement may be spurious. That is, ICC involvement may not be causally related to conflict duration; the court may simply investigate cases that are already most likely to drag on because of other, unobserved factors. Statistically speaking, omitted variables may be correlated with ICC involvement and the error term. Initially, I address the potential endogeneity of ICC involvement. If the ICC is most likely to become involved in the hardest cases - those least likely to end - then the observed impact of ICC involvement may be spurious. To further ensure that the instruments are not indirectly related to conflict termi- nation, I control for four additional factors in the 2SLS analysis. Including these controls ensures that the instruments are unrelated to the error term, thus satisfying the exclusion restriction criterion. Additional controls include: the number of con- tiguous civil wars, the presence of transnational ethnic kin, state leader tenure, and mediation. By controlling for contiguous conflicts and ethnic linkages, I account for the key mechanisms linking external factors to conflict onset and dura- tion.105 This ensures that contiguous ratifiers does not indirectly affect duration by making war less likely in neighboring states and that contiguous affinity does not indirectly influence duration via cross-border ethnic linkages. I account for state leader tenure to ensure that contiguous ratifiers does not indirectly influence ter- mination by affecting leaders' willingness to step down from power.106 Finally, I control for third-party mediation, ensuring that the instruments do not indirectly influence conflict duration by affecting the likelihood of mediation. This control is not included in the main 2SLS results because it is available only through 2009, but results including mediation are consistent with those presented in Table 2 (see supplement Table M). Finally, I assess the strength and validity of these instruments using diagnostic tests. I test the strong instrument criterion using an F-test. The general rule of thumb is that the F-statistic should be greater than 10. 107 The F-statistic in this analy- sis is 16.155, indicating that these are strong instruments for ICC involvement. Second, to assess the exclusion restriction criterion, I report the Hansen J-statistic.108 This tests the overidentifying restriction when the analysis includes more instruments than endogenous regressors. The null hypothesis is that the excluded instruments are uncorrected with the error term. Rejecting the null, therefore, casts doubt on the instruments' validity. Here, the test statistic is 2.145 with a p value of 0.342. I therefore cannot reject the null that the instruments are valid, which further supports their use That is, ICC involvement may not be causally related to conflict duration; the court may simply investigate cases that are already most likely to drag on because of other, unobserved factors. Statistically speaking, omitted variables may be correlated with ICC involvement and the error term. The (In)compatibility of Peace and Justice? 239 the potential endogeneity of ICC involvement using instrumental variables, **the empirical results remain robust**

1. They say that the US contributes a lot of money in the UN, which means it will also contribute money to the ICC, but the UN and ICC are fundamentally different – the US funds the UN because it has power to control the organization (it is part of the P5 and has veto power over any decisions) whereas in the ICC, the US will be on the same level as all other 123 countries

## A2 Legitimacy

1. They say that states are less likely to coop with the ICC because it lacks the US, but why would war criminals in countries cooperate with a justice organization? Eg. it doesn’t matter if the US joins the organization, the Sudanese govt. (which is actively in conflict) isn’t going to suddenly start cooperating with the ICC – they’re still going to keep on fighting the war
2. They say that the US is going to encourage other countries to join the ICC, but the US is only going to lose credibility by joining the organization – it won’t have an incentive to ask countries to join.

**[1] The ICC is terrible for US sovereignty**

**Groves and Schaeffer 09** [[*Brett D. Schaefer is Jay Kingham Fellow in International Regulatory Affairs and Steven Groves is Bernard and Barbara Lomas Fellow in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.*], U.N., "The U.S. Should Not Join the International Criminal Court", 08/18/2009, The Heritage Foundation, https://www.heritage.org/report/the-us-should-not-join-th e-international-criminal-court]//Bronxdoubleoctosextofinalist Aiden

The idea of establishing an international court to prosecute serious international crimes--war crimes, crimes against humanity, and genocide--has long held a special place in the hearts of human rights activists and those hoping to hold perpetrators of terrible crimes to account. In 1998, that idea became reality when the Rome Statute of the International Criminal Court was adopted at a diplomatic conference convened by the U.N. General Assembly. **The** International Criminal Court (**ICC**) was formally established in 2002 after 60 countries ratified the statute. The ICC was created to prosecute war crimes, crimes against humanity, genocide, and the as yet undefined crime of aggression. Regrettably, although the court's supporters have a noble purpose, there are a number of reasons to be cautious and concerned about how ratification of the Rome Statute **would affect U.S. sovereignty** and how ICC action could affect politically precarious situations around the world. Among other concerns, past **U.S. Administrations concluded that the Rome Statute created a seriously flawed institution that lacks prudent safeguards against political manipulation,** possesses sweeping authority **without accountability** to the U.N. Security Council**, and violates national sovereignty by claiming jurisdiction over** the nationals and military personnel of **non-party states** in some circumstances**. These concerns led President Bill Clinton to urge President George W. Bush not to submit the treaty to the Senate** for advice and consent necessary for ratification.[1] After extensive efforts to change the statute to address key U.S. concerns failed, President Bush felt it necessary to "un-sign" the Rome Statute by formally notifying the U.N. Secretary-General that the U.S. did not intend to ratify the treaty and was no longer bound under international law to avoid actions that would run counter to the intent and purpose of the treaty. Subsequently, the U.S. took a number of steps to protect its military personnel, officials, and nationals from ICC claims of jurisdiction.

**[3a] Politicization and external influence on the ICC still applies, the US joining A. doesn’t change this, and B. applies these bad structures the the US. The ICC has led to inconsistent application of justice, delegitimizing the organization and leading to dysfunction**

**Grigore 23** — (Sabina Grigore [JustAccess correspondent to UN Office of Drugs and Crime.], 5-2-2023, "Justice Delayed, Justice Denied: Bias, Opacity and Protracted Case Resolution at the International Criminal Court", https://just-access.de/bias-opacity-and-protracted-case-resolution-at-the-international-criminal-court, accessed 2-1-2025) // DP

The ICC is regarded as a necessary institution for advancing international justice and accountability. However, criticisms have been leveled against it regarding its limited engagement with civil society, and the transparency of its activity has been defective.2 On the one hand, the Court is being criticized for not having done enough to raise awareness about its work, because it has not communicated effectively with affected communities, victims, or the general public. Numerous individuals, particularly those living in conflict-affected zones, are uninformed about the ICC’s mandate and do not know how to access its services. This lack of awareness and outreach can prevent victims from coming forward to report violations of the Statute, undermining by and large the credibility of the ICC’s work.3 Another issue is the lack of transparency of the ICC’s activities. Trials and investigations at the ICC take place behind closed doors, and the public has little access to information about active cases.4 **Due to** this **lack of openness**, the **ICC** may come under criticism for **bias and unfairness** which **lead to suspicions and mistrust regarding the activity of the institution** as a whole.5 Two other main areas of criticism faced by the Court concern its high costs and slow pace of justice. The Court is funded by contributions from its member states, and its budget has been criticized for being too high. In addition, the Court’s **investigations and trials can take years to complete, leading to delays in justice** for victims. One critical case in which both of these points of criticism are illustrated relates to the investigations **in Afghanistan. In** almost **20 years** since the prosecutors of the ICC first considered opening an investigation into the crimes that occurred in Afghanistan, **there has been** little to **no action toward bringing justice to Afghan victims**. A month after the ICC authorized the Office of the Prosecutor to launch an investigation, the institution had to stop due to a request of the Afghan government to pursue the investigation themselves. Nonetheless, the conflict is of a protracted nature and **crimes of an international nature have continued to occur throughout the whole time** since the case came under the attention of the ICC.6 As such, limited by its own mandate and **by** the **resource allocation decided** upon **by the Court**, justice has not yet been delivered to the victims affected by the war in Afghanistan. Moreover, since 2009, the **legitimacy** of the institution **has been shaken** by a gradual African disinterest in the Court, when it issued an arrest warrant for Sudanese President Omar Al Bashir, whose country is not a signatory to the Rome Statute. In 2015, the South African government refused to

1. They say that the ICC requires legitimacy to tap into its potential, but what does more legitimacy mean? Just because the ICC is “more legitimate” not mean that suddenly war criminals will suddenly give up – in fact, the ICC is slow right now and fails to deliver justice timely because of widespread corruption.

In fact, their own evidence proves this idea:

## A2 Hortnagl

**[1] HORTNAGL IS TERRIBLE – CONCEDES ARREST WARRANTS CAUSE INCREASE IN FATALITIES AND THAT WHEN DEATHS DID DECREASE, IT WAS FOR ALT CAUSES!!!**

**Hortnagl 20** [Maximillian Hortnagl, MSc in Global Politics @ the London School of Economics and Political Science, August 2020, Evaluating the International Criminal Court’s performance: an empirical study of the court’s deterrence effects in Darfur, Sudan,<https://www.lse.ac.uk/government/Assets/Documents/pdf/masters/2020/Maximillian-Hortnagl.pdf>, ] //FK

The results from the negative binomial regression analysis in table 3 indicate that the ICC had a deterrent effect at the beginning of the conflict, but which greatly decreases with regard to the first arrest warrants in the situation in Darfur, Sudan. The UN Security Council referral is associated with a decrease in civilian fatalities across all three models, controlling for the other variables, and statistically significant. As such, the models predict almost three times lower civilian fatalities for the period following the referral. The deterrent effect is expected to be weaker, although not statistically significant, for the second ICC action, the opening of the investigation. Interestingly, **the first arrest warrants for Harun and Kushayb are associated with large increases in civilian fatalities and are statistically significant across the three models. The predicted civilian fatalities, holding other variables constant, are at least four times higher for the period following the arrest warrants in the Harun and Kushayb case than for other periods.** The first arrest warrant for president AlBashir follows a similar pattern, although the effect is weaker and not statistically significant across all models. The second arrest warrant for Al-Bashir is, in fact, associated with a slight decrease in civilian fatalities, holding the other variables constant. The arrest warrant for Mr. Hussein is associated with the largest decrease in civilian fatalities, controlling for the other variables, and statistically significant across all models. As such, the expected civilian fatalities for the period following the Hussein arrest warrant are estimated at just 8.4% the level for other periods. However, **the results for the Hussein arrest warrant should be read with caution, given that the conflict had reduced greatly in intensity (see figure 2), most likely for other factors than ICC actions, uncontrolled for in the models**. The control variables, non-civilian fatalities and news coverage, are almost perfectly correlated with civilian fatalities across the three models, albeit not statistically significant.

## A2 Simmons

**1a] Reject Jo and Simmons—methodology flawed and low correlation.**

**Buitelaar 15**—(Tom Buitelaar, assistant professor in the War, Peace & Justice program of the Institute of Security and Global Affairs at Leiden University, 04-xx-2015, "The ICC and the Prevention of Atrocities", https://thehagueinstituteforglobaljustice.org/wp-content/uploads/2023/07/The\_ICC\_and\_The\_Prevention\_of\_Atrocities.pdf) //doa1-29-2025 + master chen :)

A fairly recent strain in political science literature seems to counter the skepticism about deterrence that criminology elicits. An important representative recent example is a 2014 studyby **Hyeran Jo** and **Beth Simmons**. 67 They present empirical data to argue for a 61 ” Working Paper 8 10 April 2015 significant impact of both prosecutorial and social deterrence factors on the number of civilians killed. Although some of their claims are addressed in further detail below, it is worth considering the following. First, their study scrutinizes the **impact of the ICC on** **violence** levels within c**ivil war-affected countries**, not the micro-level dynamics of deterrence (what an individual’s reaction is likely to be), which are the focus of this study. Second, as they acknowledge, **the correlations they observe are** relatively **weak**, especially for rebel groups. **The evidence** that the ICC deters future perpetrators **is** thus **far from definitive.** Third, **much of the correlation is negated** when assessed **in combination with other relevant policy interventions.** Although variables such as regime type are controlled for, the ICC’s **actions rarely happen in a vacuum.** Fully quantifying the complex dynamics of violence – especially those in which mass atrocities are related to long-standing ethnic conflicts – would require a far more comprehensive study, looking at a whole range of factors such as economic development, past abuses, and social inequality, to name but a few. Accordingly, although Jo and Simmons (and the strand in political science they represent) make a praiseworthy contribution to the debate, they do not necessarily contradict the claims made here.

**1b] Further— selection bias**

**Cronin-Furman 16** — (Kate Cronin-Furman, postdoctoral fellow in Law & International Security at Stanford University’s Center for International Security and Cooperation. 3-21-2016, "Can We Tell If the ICC Can Deter Atrocity?", No Publication, http://jamesgstewart.com/can-we-tell-if-the-icc-can-deter-atrocity/, accessed 1-31-2025) //TH

The International Criminal Court opened its first investigations in 2004. In its first 12 years of operation, the court convicted two individuals of war crimes and crimes against humanity, and issued arrest warrants or summonses for 37 others. Today, the ICC is pursuing prosecutions of atrocities on the territory of eight countries and conducting preliminary examinations in seven more.

Most immediately, the goal of these efforts is to punish those responsible for egregious breaches of international law. But the bigger purpose of the court’s existence is to contribute to international peace and security. Underpinning this aim is the hope that by prosecuting the perpetrators of serious international crimes, the ICC can make mass atrocities rarer. In short, that it can deter this type of violence.

**“Can the International Criminal Court Deter Atrocity?”** by Hyeran **Jo and** Beth **Simmons** is one of the first rigorous **empirical examinations** of this claim. For skeptics (like me) of the ICC’s ability to produce deterrence, the article’s conclusions may come as something of a surprise. The authors **find** that state actors commit fewer intentional killings of civilians in conflict in the presence of ICC ratification, implementing statutes in domestic criminal law, and action by the court. They find that rebel violence also lessens in the face of ICC action, but not following ratification or legal change. Even a limited and contingent reduction in violence against civilians would be great news for the ICC’s effectiveness. But the **difference in findings across state vs. rebel perpetrators** leads me to **hesitate** before interpreting these results as cause for optimism. The reason for this is that **rebel violence** seems like the **best context** in which to test ICC’s impact. The **weak results** on rebels therefore leave open the possibility that the strong findings on state actors are **an artifact of selection effects.** Here is my logic: **Analysis of the ICC’s effect on state actors is complicated by the fact that states choose to accept the court’s jurisdiction through ratification of the Rome Statute**. For those who have elected to join up, it’s hard to know how the court has affected their behavior. Any reduction in a state’s use of illegal violence that follows accession to the ICC might be caused by the same factors that led the state to ratify—a democratic transition, a commitment to peace and justice, etc.

## A2 ILAW

#### **I-law fails**

**Hiken ’12** [Luke and Marti Hiken; 7-12-12; Former Associate Director of the Institute for Public Accuracy and Former Chair of the National Lawyers Guild Military Law Task Force; “The Impotence of International Law,” Foreign Policy in Focus, https://fpif.org/the\_impotence\_of\_international\_law/]

Whenever a lawyer or historian describes how a particular action “violates international law” many people stop listening or reading further. It is a bit alienating to hear the words “this action constitutes a violation of international law” time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: “…and it is a war crime and it denies people their human rights.” A **plethora** of international law violations are perpetrated by **every** **major** **power** in the world **each day**, and thus, the **empty invocation** of **i**nternational law **does nothing** but reinforce our own sense of impotence and helplessness in the face of international lawlessness.

The **U**nited **S**tates, alone, and on a **daily basis** violates **every principle of international law ever envisioned**: unprovoked **wars of aggression**; unmanned **drone** **attacks**; **tortures** and **renditions**; **assassinations** of our alleged “enemies”; **sales of** **nuclear** **weapons**; **destabilization of unfriendly governments**; creating the **largest** **prison population** in the world – the list is **virtually** **endless**.

Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in **theory**, not in **practice**. Each time a legal scholar points out the particular treaties being **ignored by the superpowers (and everyone else)** the only appropriate response is **“so what!”** or “they always say that.” If there is **no enforcement** **mechanism** to prevent the violations, and **no military force** with the power to intervene on behalf of those victimized by the violations, **what possible good does it do** to invoke principles of “truth and justice” that **border on fantasy**?

The assumption is that by invoking human rights principles, legal scholars hope to reinforce the importance of and need for such a body of law. Yet, in reality, the invocation means nothing at the present time, and **goes nowhere**. In the real world, it would be nice to focus on suggestions that are enforceable, and have some potential to prevent the atrocities taking place around the globe. Scholars who invoke international law principles would do well to add to their analysis, some form of action or conduct at the present time that might prevent such violations from happening. Alternatively, **praying for rain** sounds as effective and rational as citing international legal principles to a **lawless president**, and his **ruthless military**.

**They never contextualized where ilaw would stop nuclear war - hold the line there**

**ALso ROBINSON is so powertagged**