# 1NC

### 1

#### Interpretation – “economic engagement” is an iterated process across multiple areas to influence state behavior – only trade and aid are topical-fx

Resnick 1 – Dr. Evan Resnick, Ph.D. in Political Science from Columbia University, Assistant Professor of Political Science at Yeshiva University, “Defining Engagement”, Journal of International Affairs, Spring, 54(2), Ebsco

A REFINED DEFINITION OF ENGAGEMENT In order to establish a more effective framework for dealing with unsavory regimes, I propose that we define engagement as the attempt to influence the political behavior of a target state through the comprehensive establishment and enhancement of contacts with that state across multiple issue-areas (i.e. diplomatic, military, economic, cultural). The following is a brief list of the specific forms that such contacts might include: DIPLOMATIC CONTACTS Extension of diplomatic recognition; normalization of diplomatic relations Promotion of target-state membership in international institutions and regimes Summit meetings and other visits by the head of state and other senior government officials of sender state to target state and vice-versa MILITARY CONTACTS Visits of senior military officials of the sender state to the target state and vice-versa Arms transfers Military aid and cooperation Military exchange and training programs Confidence and security-building measures Intelligence sharing ECONOMIC CONTACTS Trade agreements and promotion Foreign economic and humanitarian aid in the form of loans and/or grants CULTURAL CONTACTS Cultural treaties Inauguration of travel and tourism links Sport, artistic and academic exchanges (n25) Engagement is an iterated process in which the sender and target state develop a relationship of increasing interdependence, culminating in the endpoint of "normalized relations" characterized by a high level of interactions across multiple domains. Engagement is a quintessential exchange relationship: the target state wants the prestige and material resources that would accrue to it from increased contacts with the sender state, while the sender state seeks to modify the domestic and/or foreign policy behavior of the target state. This deductive logic could adopt a number of different forms or strategies when deployed in practice.(n26) For instance, individual contacts can be established by the sender state at either a low or a high level of conditionality.(n27) Additionally, the sender state can achieve its objectives using engagement through any one of the following causal processes: by directly modifying the behavior of the target regime; by manipulating or reinforcing the target states' domestic balance of political power between competing factions that advocate divergent policies; or by shifting preferences at the grassroots level in the hope that this will precipitate political change from below within the target state. This definition implies that three necessary conditions must hold for engagement to constitute an effective foreign policy instrument. First, the overall magnitude of contacts between the sender and target states must initially be low. If two states are already bound by dense contacts in multiple domains (i.e., are already in a highly interdependent relationship), engagement loses its impact as an effective policy tool. Hence, one could not reasonably invoke the possibility of the US engaging Canada or Japan in order to effect a change in either country's political behavior. Second, the material or prestige needs of the target state must be significant, as engagement derives its power from the promise that it can fulfill those needs. The greater the needs of the target state, the more amenable to engagement it is likely to be. For example, North Korea's receptivity to engagement by the US dramatically increased in the wake of the demise of its chief patron, the Soviet Union, and the near-total collapse of its national economy.(n28) Third, the target state must perceive the engager and the international order it represents as a potential source of the material or prestige resources it desires. This means that autarkic, revolutionary and unlimited regimes which eschew the norms and institutions of the prevailing order, such as Stalin's Soviet Union or Hitler's Germany, will not be seduced by the potential benefits of engagement. This reformulated conceptualization avoids the pitfalls of prevailing scholarly conceptions of engagement. It considers the policy as a set of means rather than ends, does not delimit the types of states that can either engage or be engaged, explicitly encompasses contacts in multiple issue-areas, allows for the existence of multiple objectives in any given instance of engagement and, as will be shown below, permits the elucidation of multiple types of positive sanctions.

#### Violation – []

#### That’s a voting issue –

#### a) Predictable limits – they explode the topic which overstretches the research burden and incentivizes a shift to generics – hurts critical thinking and produces stale strategizing, hurting research skills. That prevents rigorous testing of the aff which hurts advocacy construction.

#### b) Ground – they bypass topic offense based on commodity trading, diplomatic agreements, and investment DAs like SOI. Non-trade affs steal international CP ground which is key to testing federal action on an international topic.

#### Default to competing interpretations – most objective.

### 2

#### Chinese engagement with Latin America is trending upwards – it’s key to CCP export markets and energy imports

Myers and Hongbo 13 (Margaret Myers, director of the China and Latin America program at the Inter-American Dialogue, Sun Hongbo, associate professor at the Institute of Latin American Studies of the Chinese Academy of Social Sciences in Beijing, each answering a question from the Inter-American Dialogue “How 'Strategically Important' Is Latin America for China?” http://www.thedialogue.org/page.cfm?pageID=32&pubID=3210)

A: Margaret Myers, director of the China and Latin America program at the Inter-American Dialogue: "Latin America became a strategically important market for Chinese exporters a few years ago following decreases in demand for Chinese goods from Europe and the United States. Chinese exports to Europe fell 9 percent in 2011 in comparison with export levels in 2010, for example, and exports to the United States fell 5 percent. As U.S. and European demand continues to lag, Latin American nations should expect sustained interest in their markets and new market- and efficiency-seeking investments. As China continues its process of industrial upgrading, Latin America will also see more in the way of high-tech goods, as well as marketing of distinctly Chinese brands. Chinese cars are already being sold in several Latin American countries, including Brazil, Peru, Venezuela and Colombia. And Chinese cell phones and computers are increasingly popular among Latin American consumers. As the former LAC director general at China's Ministry of Foreign Affairs, Ambassador Yang is uniquely familiar with both the promises and pitfalls of trade with Latin America. While Latin America remains an appealing market for exports, Chinese producers and officials are painfully aware of growing protectionism in response to China's market-seeking endeavors. The Chinese Academy of Social Sciences cited nationalization and trade protectionism trends among the top 20 notable events in the region in 2012. China expects to avoid protectionist measures by building mutually beneficial, 'win-win' trade relations. Chinese government and commercial entities in Latin America will indeed be working to build stronger trade relations in the coming years." A: Sun Hongbo, associate professor at the Institute of Latin American Studies of the Chinese Academy of Social Sciences in Beijing: "China regards Latin America as a promising strategic trade partner not only for diversifying export destinations, but also for safeguarding commodity import security. According to official statistics, Chinese exports to Latin America represented 6.74 percent of its total exports for the first nine months of 2012. Compared to the United States, European Union and Asia, Latin America has absorbed a marginal share of China's fast export expansion. From 2003 to 2011, the region's share of China's export volume only rose from 2.71 percent to 6.41 percent. Chinese policymakers expect to build a more sustainable and balanced trade relationship with Latin America. This issue has been widely negotiated both in political and commercial circles from the two sides. However, the bilateral effort still needs to find an efficient way to achieve satisfactory results, particularly for those countries that have a trade deficit with China. China continues to increase its imports from Latin America-with the region supplying 3.62 percent of China's total imports in 2003 to 7.13 percent in 2012. China's slowdown in 2012 caused serious concern in commodity-exporting countries in South America. Nonetheless, Chinese trade with Latin America in 2012 is estimated at more than $250 billion, higher than the year prior. Chinese business groups will attach great importance to the market volume in Latin America, but the export opportunities will also depend on strong economic growth in this region. In 2013, China's highlighted macroeconomic policy device for sustaining stable growth is to accelerate the pace of high-quality urbanization, which will necessitate increasing imports of mineral, agricultural and energy products from Latin America."

#### Bolstering US influence pushes China out – Columbia proves it determines contracts

Ellis 12

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At the political level, US engagement with Latin American ¶ countries has impacted the ability of the PRC to develop ¶ military and other ties in the region. Although journalistic ¶ and academic accounts often suggest that the 19th century ¶ Monroe Doctrine continues to be pursued by contemporary ¶ US policymakers, with a presumed desire to “keep China out” ¶ of the region,26 official US policy has repeatedly met Chinese ¶ initiatives in the hemisphere with a cautiously welcoming tone.27 Nonetheless, Latin America’s own leadership has ¶ responded to Chinese initiatives with a view of how engagement with China could damage its relationship with the United ¶ States. Colombia’s close relationship with the United States, for ¶ example, made the military leadership of the country reluctant ¶ to procure major military items from the PRC.28¶ The same logic has also applied to countries such as ¶ Venezuela, Ecuador and Bolivia, for whom embracing the ¶ PRC politically and economically signaled displeasure with ¶ the United States. The degree to which a “bad” relationship ¶ with the United States has propelled a “positive” relationship with China has increasingly gone beyond symbolism. The desire of Venezuelan President Hugo Chávez to ¶ diversify away from Venezuelan dependence on the United ¶ States as the nation’s primary oil export market, for example, opened the door for massive loan-backed Chinese ¶ construction projects, the purchase of Chinese commercial goods and greatly expanded participation by Chinese ¶ oil companies.29 US refusal to sell F-16 fighter aircraft and ¶ components to Venezuela in 2006 prompted Venezuela to ¶ engage with China, and other countries, to procure military ¶ hardware. Similarly, Bolivia purchased Chinese K-8s after ¶ the United States blocked it from acquiring a comparable ¶ aircraft from the Czech Republic.30

#### China’s exports are key to a sustainable economy – recent shocks mean it’s on the brink

Holland 7/9 (Tom, writer of the South China Morning Post’s Monitor column, internally citing statistics from ADBI, the Asian Development Bank Institute, Dr. Yuqing Xing, professor of economics an director of Asian economic policy at the National Graduate Institute for Policy Studies, PhD in economics from the University of Illinois—Urbana-Champaign, MA and BA from Peking University, South China Morning Post Monitor, July 9, 2013, “Despite rebalancing, exports still vitally important to China,” <http://www.scmp.com/business/article/1278239/despite-rebalancing-exports-still-vitally-important-china>, alp)

Unfortunately, the figure for gross exports isn't much use either. In an economy where all the value of all exports was produced domestically, then gross exports would give a good idea of external demand. But real supply chains don't work like that. Chinese factories import flash memory chips from Japan, displays from Korea and processors from the United States, which they then assemble into smartphones for sale around the world. So although the face value of China's exports may be high, the value added by China's factories is often relatively low. But although gross exports aren't much help in gauging the true importance of external demand, net exports don't work either. If all China's imports were components destined for re-export, the net figure would do the trick. But they aren't. Imports are also consumed domestically, not least by Chinese buying their own smartphones. To estimate the real contribution of external demand, we would have to account for the proportion of China's imports destined for re-export after assembly. Although these processing imports have fallen relative to China's total imports over recent years, as the first chart shows, they still make up a sizeable share of China's overall inbound goods trade. In an attempt to do exactly that, Xing Yuqing and Manisha Pradhananga at the Asian Development Bank Institute have come up with a measure of external demand which strips out China's processing imports. Then, for good measure, they have factored in an allowance for foreign direct investment into China, which remains driven largely by external, rather than domestic, demand. They found that although the share of external demand in China's GDP has fallen from its high of 28 per cent reached in 2007, in 2011 it still accounted for 22 per cent of overall economic output. As the second chart shows, that's 10 times as great as the share implied by the net export figure commonly used by economists. Xing and Pradhananga conclude that despite efforts to rebalance the economy towards domestic consumption, China is still heavily dependent on demand from the rest of the world, and that its growth remains highly vulnerable to external shocks. In other words, if tomorrow's trade numbers are as dismal as many analysts expect, it will be an ominous sign indeed for China's growth outlook.

#### Chinese economic decline goes global and causes nuclear lashout

Buzan and Foot 04 – professor of International Relations at the London School of Economics and Political Science; professor of International Relations at St. Anthony College, (Barry and Rosemary, “Does China Matter? A Reassessment: Essays in Memory of Gerald Segal”, ed., Questia, p. 145-147, USC Libraries)//JK

China, East Asia and the world The underlying argument in this section is that there is a strong link between the global standing of a major power and the way that power relates to the other states in its home region. As a general rule, the status of great power, and more so superpower, requires not only that the state concerned be able and willing to project its political influence beyond its immediate region, but that it also be able in some sense to manage, and perhaps lead, its region (Buzan and Wæver, 2003). The U.S. clearly does this in North America, and more arguably for the Western hemisphere as a whole, and the EU does it in Europe. The Soviet Union did it from 1945 to 1989, and the possible inability of Russia to do it (and its desperation to do so) explain the current question marks around its status. India's failure to do it is a big part of what denies it the great-power recognition it craves. During the Cold War, and up to a point still, Japan could exploit its political geography to detach itself from much of Asian politics, and float free as a kind of economic great power. China does not have that kind of geopolitical option. Like Russia and India, it cannot escape regional politics. China's global standing thus depends crucially on what kind of relationship it has with its neighbours. If China is able to reassert some form of hegemony over twenty-first century Asia - getting most or all of its neighbours to bandwagon with it - then its global standing will be hugely enhanced. But if China inspires fear in its neighbours - causing them to balance against it - then like India, and possibly Russia, it will be locked into its region, and its global standing will be diminished. Since the U.S. is strongly present in Asia, its influence also plays into this equation. Indeed, if China is at odds with its neighbours then its position will be worse than that of Russia and India. In their immediate regions, those two have only to deal with powers much smaller than themselves. In China's region there are several very substantial powers whose antagonism would be a real burden. The importance of regional relations for a major power's global standing is easily shown by two extreme scenarios for China's future. In the first, China's development provides it with the strength and the identity to become the central hub of Asia, in the process largely displacing the U.S.. It projects an acceptable political and economic image, and its neighbours bandwagon with it out of some combination of fear, prudence, admiration and hope for economic advantage. Its economy becomes the regional locomotive, and in political and military terms it is acknowledged as primus inter pares by Japan, Korea and the ASEAN states. Japan takes up a similar subordinate relationship with China to that it now has with the U.S., and China is able to use the regional institutions created by ASEAN rather as the U.S. uses the Organization of American States. If the other Asian states fear to antagonize China, and don't balance against it, then China is both free to play a larger global role, and is insulated against pressure from the West. And if China succeeds in positioning itself at the centre of an Asian economy, then it can claim 'locomotive' status along with the U.S. and the EU in the global economy. In the second scenario, China inspires fear in its neighbours. Japan's alliance with the U.S. deepens, and India, Southeast Asia, Japan and possibly Russia coordinate their defences against China, probably with U.S. support. Under the first set of conditions, China acquires a stable regional base which gives it both the status and the capability to play seriously on the global political stage. Under the second set of conditions, China may still be the biggest power in East Asia, but its ability to play on the global stage would be seriously curtailed. The task for this section is thus to examine the social and material forces in play and ask how they might support or block a move in either of these directions. Is it likely that China will acquire hegemony in East Asia, or is its rise to power more likely to produce U.S.-backed regional balancing against it? I will examine the factors playing into this question on three levels: China's capabilities and the trajectory of its internal development; China's relations with its Asian neighbours; and its relationships with the U.S. and the other great powers. China's capabilities and the trajectory of its internal development Debates about China's capability and prospects for development can be placed within a matrix formed by two variables: • Does China get stronger (because its economic development continues successfully) or weaker (because its development runs into obstacles, or triggers socio-political instability)? • Does China become a malign, aggressive, threatening force in international society (because it becomes hypernationalist or fascist), or does it become more benign and cooperative (because economic development brings internal democratization and liberalization)? If China's development falters and it becomes weak, then it will neither dominate its region nor project itself on to the global stage. Whether it is then politically benign or malign will be a much less pressing issue in terms of how others respond to it in the traditional politico-military security domain. What could happen in this scenario is that a breakdown in the socio-political order, perhaps triggered by economic or environmental troubles, might well trigger large-scale migrations, political fragmentations, or wider economic crises that would pose serious threats to China's neighbours. A major political collapse in China could also pose threats at the global level, via the scenario of a failed nuclear weapon state. But, if China becomes strong, then the malign or benign question matters a great deal. The benign and malign options could be alternative paths, or could occur in sequence, with a malign phase giving way to a benign one, as happened with Germany and Japan during their comparable phases of industrialization. The likelihood of just such a sequence was what underpinned Gerry's concern to promote constrainment.

### 3

#### Will pass—top of docket

Clifford, 12/30 (Mike, 12/30/2013, “Immigration Reform Supporters: “Positive Signs” Headed into 2014,” <http://www.publicnewsservice.org/2013-12-30/immigrant-issues/immigration-reform-supporters-positive-signs-headed-into-2014/a36538-1)>)

NEW YORK - Supporters of comprehensive immigration reform fell short of their goal in 2013, but several things happened in December to swing momentum in their direction, they say. The first positive sign, according to Jim Wallis, Sojourners president and founder, was the House and Senate working together to pass a budget bill.

And, while Speaker Boehner has said immigration reform would have to wait until next year, Wallis said there are signs Republicans are ready to act.

"I hear Republican leaders - Goodlatte from Judiciary - saying this will be a top priority in 2014," Wallis said. "John Boehner has hired a really talented aide to help with immigration - she knows the topic well, and she's for reform."

At his final 2013 news conference, President Obama called on House members to pass the immigration reform measure approved by the Senate, but Speaker Boehner has said he won't bring that version up for a vote.

Patty Kupfer, managing director, America's Voice, said key Republicans like Long Island Congressman Peter King either need to step up and co-sponsor the Senate-passed bill or reach across the aisle to a Democrat and craft a bill themselves.

"Peter King is probably one of about 40 Republicans who we see as critical to moving reform forward," Kupfer said, "and if they don't like what's on the table, they need to be able to produce something and say what they stand for."

#### ( ) Obama’s capital key to ensuring passage

Orlando Sentinel, 11/1 (11/1/2013, “What we think: It'll take both parties to clear immigration logjam,” <http://articles.orlandosentinel.com/2013-11-01/news/os-ed-immigration-reform-congress-20131031_1_immigration-reform-comprehensive-reform-house-republicans>, JMP)

For those who thought the end of the government shutdown would provide a break from the partisan bickering in Washington, think again. The battle over comprehensive immigration reform could be every bit as contentious.

Polls show the popular momentum is there for comprehensive reform, which would include a path to citizenship for many of the nation's 11 million undocumented immigrants. But it'll take plenty of political capital from President Obama and leaders in both parties on Capitol Hill to make it happen.

Immigration-reform activists, who have been pushing for reform for years, are understandably impatient. This week police arrested 15 who blocked traffic at a demonstration in Orlando.

There are plenty of selling points for comprehensive immigration reform. An opportunity for millions of immigrants to get on the right side of the law. Stronger border security. The chance for law enforcement to focus limited resources on real threats to public safety, instead of nannies and fruit pickers. A more reliable work force to meet the needs of key industries. Reforms to let top talent from around the world stay here after studying in U.S. universities.

The Senate passed its version of comprehensive immigration in June. It includes all of the benefits above. Its path to citizenship requires undocumented immigrants to pay fines, learn English, pass a criminal background check and wait more than a decade.

So far, House Republicans have balked, taking a piecemeal rather than comprehensive approach. Many members fear being challenged from the right for supporting "amnesty."

Yet polls show the public supports comprehensive reform. In June, a Gallup poll found 87 percent of Americans — including 86 percent of Republicans — support a pathway to citizenship like the one outlined in the Senate bill.

Florida Republican Sen. Marco Rubio took flak from tea-party supporters for spearheading the comprehensive bill. Now, apparently aiming to mend fences, he says immigration should be handled piecemeal. He's politically savvy enough to know that's a dead end.

But comprehensive reform won't have a chance without President Obama making full use of his bully pulpit to promote it, emphasizing in particular all that undocumented immigrants would need to do to earn citizenship. House Democratic leaders will have to underscore the president's message.

And House Republican leaders will need to convince their members that comprehensive reform would be better for the economy, better for security, and better for the future of their party.

#### ( ) New era of cooperation will lead to deals on immigration --- controversial issues will spoil the détente

WSJ, 12/30 (“Obama Seeks Way to Right His Ship; Exiting 2013 in His Weakest Political Position, the President Faces a Basic Strategic Choice,” 12/30/2013, <http://online.wsj.com/news/articles/SB10001424052702304361604579290264084633016>))

President Barack Obama exits 2013 in the weakest political position of his presidency and now faces a basic strategic choice: Does he try to recover by working with Republicans in Congress, or by confronting them heading into next year's midterm elections?

By almost any measure, 2013 was, as Democratic pollster Peter Hart put it, "a terribly ragged year" for the president, who saw his approval ratings plunge and his agenda stall. One glimmer of light emerged at year's end, when the two parties agreed on a deal to settle long-festering budget disputes through the new year.

That now leaves it unclear whether Washington is entering a new phase in which the president seeks more compromises with Republicans to move at least part of his agenda through Congress, or whether he instead strikes out on his own by using executive action as a way to advance his program while underscoring his philosophical differences with the GOP on issues such as a higher minimum wage and extended unemployment benefits.

For most of 2013, Mr. Obama has been unable to move key proposals such as new controls on gun sales. Meantime, his indecision on whether to actively engage in Syria's civil war has hurt his image as a leader as that conflict festers and Syrian President Bashar al-Assad remains in power.

Worst of all for the White House, of course, was the disastrous rollout of the Affordable Care Act, and the deep blow to the president's personal credibility from the public's realization that his declaration that Americans could keep their health-insurance plans when the new law kicks in wasn't turning out to be entirely true.

Now, "the Affordable Care Act hovers over everything," says Mike McCurry, former White House press secretary under Bill Clinton.

The toll can be seen in the arc of public opinion in Wall Street Journal/NBC news polling through 2013. Mr. Obama's job approval has fallen to 43% from 52% at the start of the year. The percentage of those polled who give him good marks for being honest and straightforward has dropped 10 points to 37%.

Mr. Obama's main consolation is that Republicans continue to fare even worse in public estimation. Indeed, his political high point in 2013 came when congressional Republicans shot themselves in the foot by allowing the government to shut down in October in a dispute over funding the president's health law.

Republican leaders were so singed by the experience that they moved swiftly this month to strike the compromise budget plan that will keep the government funded through next year. Then, House Speaker John Boehner (R., Ohio) forcefully quashed complaints by the party's tea-party wing that the new deal didn't cut spending sufficiently

The emergence of a large bloc of House Republicans who voted in favor of that compromise has created the possibility that Mr. Obama may be able to work out at least a few deals on other issues.

"The jury's still out on whether or not the budget agreement was a one-off or a sign of things to come," says Rep. Chris Van Hollen of Maryland, the top Democrat on the House Budget Committee.

Mr. Van Hollen says an early test will come when the parties try to reach an understanding to raise the debt ceiling, due to be hit around the beginning of March.

If there is a new phase of cooperation, he says, that might open the door to deals on more infrastructure spending, corporate tax reform and, crucially, an overhaul of immigration laws.

Rep. Kevin McCarthy, the third-ranking Republican in the House, says the budget deal "does allow us to get more done," but adds that compromises are more likely between House and Senate leaders than with the White House. He predicts much of Mr. Obama's effort in the new year will be on keeping Democratic supporters from abandoning him as he tries to get his new health program working better.

That brings Mr. Obama to his key strategic choice: Does he focus on trying to craft compromises with Republicans to show skeptical voters he is making Washington work? Or does he work around Congress, striking out on his own with executive actions, while attacking the GOP for failing to cooperate?

The question of whether more deals with congressional Republicans are possible is "perhaps the question when it comes to predicting how 2014 will play out," says a senior White House official. "Our approach will be to test as much as possible for principled compromise where Republicans are willing, but also to push ahead with nonlegislative solutions where Congress stonewalls."

#### Increasing green cards generates an effective base of IT experts- solves cybersecurity

McLarty 9 (Thomas F. III, President – McLarty Associates and Former White House Chief of Staff and Task Force Co-Chair, “U.S. Immigration Policy: Report of a CFR-Sponsored Independent Task Force”, 7-8, http://www.cfr.org/ publication/19759/us\_immigration\_policy.html)

¶ We have seen, when you look at the table of the top 20 firms that are H1-B visa requestors, at least 15 of those are IT firms. And as we're seeing across industry, much of the hardware and software that's used in this country is not only manufactured now overseas, but it's developed overseas by scientists and engineers who were educated here in the United States.¶ We're seeing a lot more activity around cyber-security, certainly noteworthy attacks here very recently. It's becoming an increasingly dominant set of requirements across not only to the Department of Defense, but the Department of Homeland Security and the critical infrastructure that's held in private hands. Was there any discussion or any interest from DOD or DHS as you undertook this review on the security things about what can be done to try to generate a more effective group of IT experts here in the United States, many of which are coming to the U.S. institutions, academic institutions from overseas and often returning back? This potentially puts us at a competitive disadvantage going forward.¶ MCLARTY: Yes. And I think your question largely is the answer as well. I mean, clearly we have less talented students here studying -- or put another way, more talented students studying in other countries that are gifted, talented, really have a tremendous ability to develop these kind of technology and scientific advances, we're going to be put at an increasingly disadvantage. Where if they come here -- and I kind of like Dr. Land's approach of the green card being handed to them or carefully put in their billfold or purse as they graduate -- then, obviously, that's going to strengthen, I think, our system, our security needs.

#### Cyberterrorism will cause accidental launch that triggers the Dead Hand and nuclear war

Fritz 9 (Jason, BS – St. Cloud, “Hacking Nuclear Command and Control”, Study Commissioned on Nuclear Non-Proliferation and Disarmament, July, www.icnnd.org/Documents/Jason\_Fritz\_Hacking\_NC2.doc)  
  
*Direct control of launch*   
The US uses the two-man rule to achieve a higher level of security in nuclear affairs. Under this rule two authorized personnel must be present and in agreement during critical stages of nuclear command and control. The President must jointly issue a launch order with the Secretary of Defense; Minuteman missile operators must agree that the launch order is valid; and on a submarine, both the commanding officer and executive officer must agree that the order to launch is valid. In the US, in order to execute a nuclear launch, an Emergency Action Message (EAM) is needed. This is a preformatted message that directs nuclear forces to execute a specific attack. The contents of an EAM change daily and consist of a complex code read by a human voice. Regular monitoring by shortwave listeners and videos posted to YouTube provide insight into how these work. These are issued from the NMCC, or in the event of destruction, from the designated hierarchy of command and control centres. Once a command centre has confirmed the EAM, using the two-man rule, the Permissive Action Link (PAL) codes are entered to arm the weapons and the message is sent out. These messages are sent in digital format via the secure Automatic Digital Network and then relayed to aircraft via single-sideband radio transmitters of the High Frequency Global Communications System, and, at least in the past, sent to nuclear capable submarines via Very Low Frequency (Greenemeier 2008, Hardisty 1985). The technical details of VLF submarine communication methods can be found online, including PC-based VLF reception. Some reports have noted a Pentagon review, which showed a potential “electronic back door into the US Navy’s system for broadcasting nuclear launch orders to Trident submarines” (Peterson 2004). The investigation showed that cyber terrorists could potentially infiltrate this network and insert false orders for launch. The investigation led to “elaborate new instructions for validating launch orders” (Blair 2003). Adding further to the concern of cyber terrorists seizing control over submarine launched nuclear missiles; The Royal Navy announced in 2008 that it would be installing a Microsoft Windows operating system on its nuclear submarines (Page 2008). The choice of operating system, apparently based on Windows XP, is not as alarming as the advertising of such a system is. This may attract hackers and narrow the necessary reconnaissance to learning its details and potential exploits. It is unlikely that the operating system would play a direct role in the signal to launch, although this is far from certain. Knowledge of the operating system may lead to the insertion of malicious code, which could be used to gain accelerating privileges, tracking, valuable information, and deception that could subsequently be used to initiate a launch. Remember from Chapter 2 that the UK’s nuclear submarines have the authority to launch if they believe the central command has been destroyed. Attempts by cyber terrorists to create the illusion of a decapitating strike could also be used to engage fail-deadly systems. Open source knowledge is scarce as to whether Russia continues to operate such a system. However evidence suggests that they have in the past. Perimetr, also known as Dead Hand, was an automated system set to launch a mass scale nuclear attack in the event of a decapitation strike against Soviet leadership and military. In a crisis, military officials would send a coded message to the bunkers, switching on the dead hand. If nearby ground-level sensors detected a nuclear attack on Moscow, and if a break was detected in communications links with top military commanders, the system would send low-frequency signals over underground antennas to special rockets. Flying high over missile fields and other military sites, these rockets in turn would broadcast attack orders to missiles, bombers and, via radio relays, submarines at sea. Contrary to some Western beliefs, Dr. Blair says, many of Russia's nuclear-armed missiles in underground silos and on mobile launchers can be fired automatically. (Broad 1993) Assuming such a system is still active, cyber terrorists would need to create a crisis situation in order to activate Perimetr, and then fool it into believing a decapitating strike had taken place. While this is not an easy task, the information age makes it easier. Cyber reconnaissance could help locate the machine and learn its inner workings. This could be done by targeting the computers high of level official’s—anyone who has reportedly worked on such a project, or individuals involved in military operations at underground facilities, such as those reported to be located at Yamantau and Kosvinksy mountains in the central southern Urals (Rosenbaum 2007, Blair 2008) Indirect Control of Launch Cyber terrorists could cause incorrect information to be transmitted, received, or displayed at nuclear command and control centres, or shut down these centres’ computer networks completely. In 1995, a Norwegian scientific sounding rocket was mistaken by Russian early warning systems as a nuclear missile launched from a US submarine. A radar operator used Krokus to notify a general on duty who decided to alert the highest levels. Kavkaz was implemented, all three chegets activated, and the countdown for a nuclear decision began. It took eight minutes before the missile was properly identified—a considerable amount of time considering the speed with which a nuclear response must be decided upon (Aftergood 2000). Creating a false signal in these early warning systems would be relatively easy using computer network operations. The real difficulty would be gaining access to these systems as they are most likely on a closed network. However, if they are transmitting wirelessly, that may provide an entry point, and information gained through the internet may reveal the details, such as passwords and software, for gaining entrance to the closed network. If access was obtained, a false alarm could be followed by something like a DDoS attack, so the operators believe an attack may be imminent, yet they can no longer verify it. This could add pressure to the decision making process, and if coordinated precisely, could appear as a first round EMP burst. Terrorist groups could also attempt to launch a non-nuclear missile, such as the one used by Norway, in an attempt to fool the system. The number of states who possess such technology is far greater than the number of states who possess nuclear weapons. Obtaining them would be considerably easier, especially when enhancing operations through computer network operations. Combining traditional terrorist methods with cyber techniques opens opportunities neither could accomplish on their own. For example, radar stations might be more vulnerable to a computer attack, while satellites are more vulnerable to jamming from a laser beam, thus together they deny dual phenomenology. Mapping communications networks through cyber reconnaissance may expose weaknesses, and automated scanning devices created by more experienced hackers can be readily found on the internet. Intercepting or spoofing communications is a highly complex science. These systems are designed to protect against the world’s most powerful and well funded militaries. Yet, there are recurring gaffes, and the very nature of asymmetric warfare is to bypass complexities by finding simple loopholes. For example, commercially available software for voice-morphing could be used to capture voice commands within the command and control structure, cut these sound bytes into phonemes, and splice it back together in order to issue false voice commands (Andersen 2001, Chapter 16). Spoofing could also be used to escalate a volatile situation in the hopes of starting a nuclear war. “ \*\*[they cut off the paragraph]\*\* “In June 1998, a group of international hackers calling themselves Milw0rm hacked the web site of India’s Bhabha Atomic Research Center (BARC) and put up a spoofed web page showing a mushroom cloud and the text “If a nuclear war does start, you will be the first to scream” (Denning 1999). Hacker web-page defacements like these are often derided by critics of cyber terrorism as simply being a nuisance which causes no significant harm. However, web-page defacements are becoming more common, and they point towards alarming possibilities in subversion. During the 2007 cyber attacks against Estonia, a counterfeit letter of apology from Prime Minister Andrus Ansip was planted on his political party website (Grant 2007). This took place amid the confusion of mass DDoS attacks, real world protests, and accusations between governments.

### tCred

**Policy change insufficient—they oversimplify**

**Roth 7**—executive director of Human Rights Watch. JD from Yale. (Ken, Carnegie Council [for Ethics in Intl Policy], 3/7, cceia.org)AS

But we also recognize that we need that activity supplemented by friendly and influential governments. Traditionally, there was no one more important in that process than the U.S. government. Now, I say that fully aware of all the warts and imperfections of the U.S. government's own record both domestically and in its foreign policy. And I am also aware of—and, indeed, I have probably spoken here several times about—the double standards that Joanne mentions, about the selectivity. But that said, the United States is, of course, the most powerful government, but also I think it is safe to say it has paid more attention to promoting human rights than anyone else around. So I am not happy to report the reality that I think is also apparent to most of us, and that is that the United States has severely damaged its credibility when it comes to promoting human rights. Now, not on everything. You know, we should put a caveat there first. The United States doesn't engage in genocide, it's not running around killing massive numbers of people; so it can protest, say, in Darfur with credibility. The United States is not shutting down civil society, censoring newspapers, closing political parties; so it can advocate for the protection of those freedoms and institutions around the world. But the United States is using torture and inhumane treatment. It has—and, frankly, continues to—forcibly disappeared people into secret detention facilities. It is locking people up without trial for long periods in places like Guantánamo or in Iraq or at Bagram Air Base in Afghanistan. And these are not small matters, I don't need to remind you. These involve some of the most fundamental rights around. And so it has become effectively unthinkable for the United States to go to a government and protest its torture or to protest its locking up of the latest dissidents without trial. I remember meeting recently with the U.S. Ambassador to Egypt and asking him, "Do you complain about Egypt's use of torture?" He, sort of sheepishly, had to admit, "No, I can't really." And I saw why, because I then went to meet with the Egyptian Prime Minister and mentioned the torture problem. He kind of looked at me and said, "Well, what do you want? That's what Bush does." Now, we all know that that's a cheap excuse, it doesn't excuse anything in reality, but it is a line that helps to deflect the pressure, and it makes pressure from the United States much less real, much less forceful. This has left, in my view, a tremendous void on the leadership front when it comes to enforcing human rights. It is not a void that I think is necessarily there forever. I don't believe that America's reputation is irredeemable. But it is a void that will be there certainly for the next two years, because it is almost impossible for me to imagine the Bush Administration taking the steps that would be required to begin to change America's reputation around the world. What will be required is not only an end to the practices—stopping the torture, stopping the detention without trial—but a real repudiation of those practices, and ideally some form of accountability—prosecution for the worst offenses, other forms of censure, or the like—to make clear that this is not what America stands for. That is not going to happen under the Bush Administration. So, at least for the next couple of years, and possibly for longer, we are going to face the problem of traditionally the world's foremost human rights governmental advocate effectively not being there for many of our most serious problems.

**Alt causes overwhelm**

**Powell, prof of law, 8** – Associate Professor of Law at Fordham Law School (Catherine Powell, American Constitution Society for Law & Public Policy “Human Rights at Home: A Domestic Policy Blueprint for the New Administration,” October 2008, http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf)

Even so, there remains a gap between the human rights ideals that the United States professes and its actual domestic practice, resulting in both a gap in credibility and a weakening of U.S. moral authority to lead by example. Human rights include the right to be free from torture or cruel, inhuman or degrading treatment, and yet the United States has committed such acts in the name of counterterrorism efforts. Human rights include the rights to emergency shelter, food, and water, as well as security of person, and yet the United States failed to adequately guarantee these rights in the aftermath of Hurricane Katrina. Human rights include the right to equality of opportunity, and yet inequalities persist in access to housing, education, jobs, and health care. Human rights include the right to equality in the application of law enforcement measures, and yet there are gross racial disparities in the application of the death penalty, and racial and ethnic profiling has been used unfairly to target African Americans, Latinos, and those who appear Arab, Muslim, South Asian, or immigrant (whether through traffic stops, airport screening, or immigration raids). Human rights include the right to equal pay and gender equality, and yet a pay gap persists between female and male workers. Certainly, the journey to fully realizing human rights is a work-in-progress, but to make progress, we must work – through smart, principled policies that advance the ability of the United States to live up to its own highest ideals.

**No spillover**

**Neumayer, IR prof, 5—** Professor of Environment and Development at the London School of Economics and Political Science International Peace Research Institute Oslo, Norway(Eric Neumayer, Dec., 2005, “Do International Human Rights Treaties Improve Respect for Human Rights?, Sage Publications, Inc. AR)

A (neo)realist international relations perspective regards countries as unitary actors with given preferences maximizing their own utility without regard to the welfare of other actors. Things happen if powerful countries want them to happen (Krasner 1993). In principle, this perspective should bode well for human rights. The United States, as arguably the most powerful country in the world, has a relatively good domestic human rights record despite emerging problems in the wake of 9/11, together with some commitment to pursue human rights improvements in its foreign policy. For example, its Foreign Assistance Act promises that no financial assistance will be given to states engaging "in a consistent pattern of gross violations of internationally rec-ognized human rights" (U.S. Code Title 21, § 2151n). The same is true to a larger or smaller extent for practically all developed countries and for the European Community (European Commission 2001). However, powerful countries are rarely consistent in their application of human rights standards to their foreign policy, and they are rarely willing to grant human rights questions priority (Krasner 1993; Donnelly 1998; Goldsmith and Posner 2005). Powerful countries rarely employ sanctions-political, economic, military, or otherwise-to coerce other countries into improving their human rights record. Indeed, for the most part, countries take relatively little interest in the extent of human rights violations in other countries, unless one of their own citizens is affected. This is because contrary to, say, the extent of trade openness, a country and its citizens are hardly affected if the human rights of citizens from other countries are violated in other countries. Human rights violating countries often avoid subjecting foreign citizens, particularly from powerful Western countries, to the same extent of human rights violation as their own domestic citizens, exactly in order to keep the foreign country disinterested.

**No solvency**

**Neumayer, IR prof, 5—** Professor of Environment and Development at the London School of Economics and Political Science International Peace Research Institute Oslo, Norway(Eric Neumayer, Dec., 2005, “Do International Human Rights Treaties Improve Respect for Human Rights?, Sage Publications, Inc. AR)

This is because, as mentioned already, it is somewhat questionable whether there are substantial mutual benefits from greater respect for human rights across countries (Krasner 1993). Given that a country's citizens often reside in many foreign countries, a country with high human rights standards might be concerned about the fate of its own citizens abroad and therefore benefit from an effective international human rights regime. The same is true for people from the same ethnic or religious group residing in foreign countries (Goldsmitha ndP osner2 005). However, countries with low standards are not likely to share such benefits. Given they do not respect the human rights of their citizens living in their own country, why would they benefit from knowing that the human rights of their citizens are respected abroad? As Moravcsik (2000, 217) has put it, "Unlike international institutions governing trade, monetary, environmental or security policy, international human rights institutions are not designed primarily to regulate policy externalities arising from societal interactions across borders, but to hold governments accountable for purely internal activities."Furthermore, even if international human rights treaties could be interpreted as cooperation mechanisms to overcome the prisoner's dilemma to the mutual benefit of all parties, it is questionable whether deep cooperation is likely to be achieved. Economists have argued that enforcement mechanisms such as sanctions to deter noncompliance have to be self-enforcing in the sense that recourse to an external enforcement agency is not feasible and has to be renegotiation-proof. A sanction will only be credible if the threatening group of countries is better off actually executing the sanction than refraining from execution and renegotiating a new agreement with the freeriding country. Treaties that are not renegotiation proof cannot deter free riding because potential free riders will anticipate that they could strike another deal after free riding and could therefore get away without being punished.

**Maximizing all lives is the only way to affirm equality**

**Cummiskey 90** – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

**Ethical policymaking requires calculation of consequences**

**Gvosdev 5** – Rhodes scholar, PhD from St. Antony’s College, executive editor of The National Interest (Nikolas, The Value(s) of Realism, SAIS Review 25.1, pmuse, AG)

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.8 Commenting on this maxim, Owen Harries, founding editor of The National Interest, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."9 In fact, Morgenthau noted that "there can be no political morality without prudence."10 This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.11 This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."12 Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

**Moral tunnel vision is complicit with evil**

**Issac 2**—Professor of Political Science at Indiana-Bloomington, Director of the Center for the Study of Democracy and Public Life, PhD from Yale (Jeffery C., Dissent Magazine, Vol. 49, Iss. 2, “Ends, Means, and Politics,” p. Proquest)

As a result, the most important political questions are simply not asked. It is assumed that U.S. military intervention is an act of "aggression," but no consideration is given to the aggression to which intervention is a response. The status quo ante in Afghanistan is not, as peace activists would have it, peace, but rather terrorist violence abetted by a regime--the Taliban--that rose to power through brutality and repression. This requires us to ask a question that most "peace" activists would prefer not to ask: What should be done to respond to the violence of a Saddam Hussein, or a Milosevic, or a Taliban regime? What means are likely to stop violence and bring criminals to justice? Calls for diplomacy and international law are well intended and important; they implicate a decent and civilized ethic of global order. But they are also vague and empty, because they are not accompanied by any account of how diplomacy or international law can work effectively to address the problem at hand. The campus left offers no such account. To do so would require it to contemplate tragic choices in which moral goodness is of limited utility. Here what matters is not purity of intention but the intelligent exercise of power. Power is not a dirty word or an unfortunate feature of the world. It is the core of politics. Power is the ability to effect outcomes in the world. Politics, in large part, involves contests over the distribution and use of power. To accomplish anything in the political world, one must attend to the means that are necessary to bring it about. And to develop such means is to develop, and to exercise, power. To say this is not to say that power is beyond morality. It is to say that power is not reducible to morality. As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness **undercuts political responsibility**. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of **complicity in injustice**. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that **politics is as much about unintended consequences as it is about intentions**; it is the effects of action, rather than the motives of action, that is most significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

**Ethics can’t guide public policy**

**Posner 99** – highly influential legal theorist; Chicago Law School professor (Richard, The Problematics of Moral and Legal Theory, p vii-x, AG)

The book is in two parts, each containing two chapters. The first part is primarily critical, the second primarily constructive. Chapter 1 tackles normative moral theory on its own terms, arguing that people who make philosophical arguments for why we should alter our moral beliefs or behavior are wasting their time if what they want to do is to alter those beliefs and the behavior the beliefs might influence. Moral intuitions neither do nor should yield to the weak arguments that are all that philosophers can bring to bear on moral issues. I call this position "pragmatic moral skepticism." It must not be confused with philosophically more radical isms. I am not a moral nihilist, nor an epistemological skeptic or relativist, but merely a limited skeptic, as an example will show. That the Nazis killed millions of defenseless civilians is a fact; its truth is independent of what anyone believes. That the Nazis' actions were morally wrong is a value judgment: it depends on beliefs that cannot be proved true or false. I thus reject moral realism, at least in its strong sense as the doctrine that there are universal moral laws ontologically akin to scientific laws. I am a kind of moral relativist. But my metaethical views are not essential to pragmatic moral skepticism, the doctrine that moral theory is useless, although they help to explain why it is useless. The doctrine is supported by bodies of thought as various as the psychology of action, the character of academic professions in general and of the profession of academic philosophy in particular, and the undesirability of moral uniformity; and above all by the fact that the casuistic and deliberative techniques that moral theorists deploy are too feeble, both epistemologically and rhetorically, to shake moral intuitions. The analogy (of a pregnant woman forced to carry her fetus to term to a person forcibly attached by tubes to a famous violinist for nine months in order to save the violinist from dying of kidney disease) with which Judith Jarvis Thomson defends a right of abortion, and at the other end of the spectrum of abstraction the elaborate contractarian and natural-law arguments that John Rawls, Ronald Dworkin, John Finnis, and others make on behalf of their preferred resolutions of issues in applied ethics, are convincing only to readers predisposed to agree with the philosophers' conclusions. The class of innovators whom I call "moral entrepreneurs" do have the power to change our moral intuitions. But moral entrepreneurs are not the same as academic moralists, such as Thomson and the others I have named. Moral entrepreneurs persuade, but not with rational arguments. Academic moralists use rational arguments; but in part because of the sheer feebleness of such arguments, they do not persuade. Chapter 2 carries the discussion explicitly into the realm of law. I examine issues in jurisprudence, constitutional law, and (to a limited extent) common law and statutory law. I try to show with reference both to individual theorists—Dworkin again, Jurgen Habermas, and others—and to particular cases that moral theory, and such cousins of it as jurisprudence and constitutional theory, are useless in the resolution of concrete legal issues. This is true even when those issues concern such morally charged subjects as abortion, affirmative action, racial and sexual discrimination, and homosexual rights. Consider the constitutionality of laws forbidding physician-assisted suicide, the issue that impelled a group of distinguished moral philosophers led by Dworkin to submit an amicus curiae brief in the Supreme Court that the Court ignored in its decisions upholding those laws. Judges are properly wary about using moral or constitutional theory to decide cases. At the same time, as I illustrate with the Supreme Court's decisions invalidating sex segregation in military academies and a state constitutional provision forbidding local governments to prohibit discrimination against homosexuals, judges are insensitive to the limitations of their own knowledge of the social realities out of which cases arise. They are right to distrust theory that academics press upon them, but they have as yet nothing to put in its place—unless it is an attitude of caution. That is the right attitude in the circumstances. Until judges acquire a better knowledge base, the limitations of moral and constitutional theory provide a compelling argument for judicial self-restraint, although to accept it would be to renounce the dream of many constitutional theorists that the Supreme Court might make over American society in the name of the Constitution but in the reality of radical egalitarianism, Catholic natural law, laissez-Faire economics, or reactionary populism, depending on the theorist. Constitutional scholars would be more helpful to the courts and to society as a whole if they examined constitutional cases and doctrines in relation not to what passes as theory in jurisprudential circles but rather to the social context of constitutional issues, their causes, their costs, and their consequences. This is a neglected perspective, which I illustrate in Chapter 2 by reference to the "real world" effects of constitutional criminal procedure.

**Bush dismantled the framework for torture**

**Rittgers 10** – served in the United States Army as an Infantry and Special Forces officer (February 25, 2010, David Rittgers, Appeared in The Wall Street Journal – available online at CATO, “Both Left and Right Are Wrong about Drones,” <http://www.cato.org/pub_display.php?pub_id=11257>, ngoetz)

Third, many conservatives lament that we no longer use coercive interrogation techniques, such as waterboarding, on detainees. These techniques are not coming back. Contrary to public perception, the Bush administration dismantled the legal architecture that facilitated their use, and there are strong legal and policy arguments against reversing that judgment. The laws of armed conflict are quirky in this regard; soldiers can use all manner of force to kill their enemies, but once a person is in custody, the captor is responsible for their humane treatment. Coercive interrogation runs counter to the legal burden placed on our soldiers.

### Rels

#### The plan won’t change the overall relationship – too many other issues

**Hanson and Lee, 13**-Hanson is associate director and coordinating editor at CFR.org, the website of the Council on Foreign Relations. She manages the editorial production of the website and covers economic and political development in Africa and Latin America. Lee is the Senior Production Editor of CFR.org (Stephanie Hanson and Brianna Lee, “U.S.-Cuba Relations”, Council on Foreign Relations, 1/31/13, http://www.cfr.org/cuba/us-cuba-relations/p11113)//TL

What is the likelihood that the United States and Cuba will resume diplomatic relations?

A fundamental incompatibility of political views stands in the way of improving U.S.-Cuban relations, experts say. While experts say the United States wants regime change, "the most important objective of the Cuban government is to remain in power at all costs," says Felix Martin, an assistant professor at Florida International University's Cuban Research Institute. Fidel Castro has been an inspiration for Latin American leftists such as Venezuelan President Hugo Chávez and Bolivian President Evo Morales, who have challenged U.S. policy in the region.

What are the issues preventing normalization of U.S.-Cuba relations?

Experts say these issues include:

* Human rights violations. In March 2003, the Cuban government arrested seventy-five dissidents and journalists, sentencing them to prison terms of up to twenty-eight years on charges of conspiring with the United States to overthrow the state. The Cuban Commission for Human Rights and National Reconciliation, a Havana-based nongovernmental group, reports that the government has in recent years resorted to other tactics besides prison --such as firings from state jobs and intimidation on the street-- to silence opposition figures. A 2005 UN Human Rights Commission vote condemned Cuba's human rights record, but the country was elected to the new UN Human Rights Council in 2006.
* Guantanamo Bay. Cuba indicated after 9/11 that it would not object if the United States brought prisoners to Guantanamo Bay. However, experts such as Sweig say Cuban officials have since seized on the U.S. prison camp--where hundreds of terror suspects have been detained--as a "symbol of solidarity" with the rest of the world against the United States. Although Obama ordered Guantanamo to be closed by January 22, 2010, the facility remains open as of January 2013, and many analysts say it is likely to stay in operation for an extended period.
* Cuban exile community. The Cuban-American community in southern Florida traditionally has heavily influenced U.S. policy with Cuba. Both political parties fear alienating a strong voting bloc in an important swing state in presidential elections.

#### Proves relations are resilient

Haven ’13 (Paul, Under the radar, Cuba and U.S. often work together, 4/13/13,

http://www.ajc.com/news/news/national/under-the-radar-cuba-and-us-often-work-together/nXK7Q/)

Cuba and the United States may be longtime enemies with a bucket list of grievances, but the fast return of a Florida couple who fled U.S. authorities with their two kidnapped children in tow shows the Cold War enemies are capable of remarkable cooperation on many issues. Indeed, diplomats and observers on both sides of the Florida Straits say American and Cuban law enforcement officers, scientists, disaster relief workers, Coast Guard officials and other experts work together on a daily basis, and invariably express professional admiration for each other. “I don’t think the story has been told, but there is a real warmth in just the sort of day-to-day relations between U.S. and Cuban government officials,” said Dan Whittle, who frequently brings scientific groups to the island in his role as Cuba program director for the Environmental Defense Fund. “Nearly every time I talk to American officials they say they were impressed by their Cuban counterparts. There really is a high level of mutual respect.” Almost none of these technical-level interactions make the headlines, but examples are endless. Just last week, Cuba’s top environmental official Ulises Fernandez and several island oil experts attended a conference in New York of the International Association of Drilling Contractors after the State Department expedited their visas. And in March, Cuba’s leading weatherman, Jose Rubiera, traveled to North Carolina on a fast-track visa to give a talk about hurricane evacuation procedures. Last year’s Hurricane Sandy, which slammed Cuba’s eastern city of Santiago before devastating the northeastern United States, was a cruel reminder that nature cares not about man’s political squabbles. The American government maintains a Coast Guard representative in Cuba, and the two countries work together to interdict suspicious boats. A U.S. diplomat involved in the process said security officials on both sides are on a first-name basis, and that the Cubans happily accept FBI and Coast Guard baseball caps as gifts. He and other diplomats spoke on condition of anonymity because they were not authorized to discuss bilateral issues publicly, but all said they had noticed a thaw in daily interactions that belies the subzero temperatures that characterize official relations. The two countries have been at odds since shortly after Fidel Castro’s rebels marched into Havana in January 1959 and began to set up a Communist state. More recently, the countries have been locked in confrontation over the fate of jailed American contractor Alan Gross, who the Cubans want to exchange for five of their intelligence agents sentenced to long jail terms in the U.S. Angry barbs between Havana and Washington on issues such as democracy, human rights and sovereignty are still the norm, and even delivering each other’s mail is a challenge. The countries, separated by just 90 miles of warm Caribbean seas, long ago ended direct service. But Carlos Alzugaray, a former Cuban diplomat, said Cuba has in recent years taken a pragmatic approach, more often than not cooperating on drug enforcement and judicial issues, something he hoped would one day lead to better ties. “It is important to highlight … that in judicial matters there is a willingness to cooperate and that could open a path to other types of cooperation,” he said, citing the Hakkens as a case in point. Cuba is believed to harbor dozens of American fugitives from the 1960s and 1970s, many of them veterans of domestic militant groups like the Black Panthers. But Havana has clearly shown in recent years that it has no interest in becoming a refuge for common criminals — deporting suspected murderers, child molesters and kidnappers who were foolish enough to think they would be beyond U.S. law enforcement’s reach. Joshua Michael Hakken is accused of kidnapping his young sons from the custody of his in-laws and then sailing with them and his wife to Havana. Cuba promptly informed the State Department of the Hakkens’ weekend arrival, and worked with U.S. officials to send the family home swiftly. Both sides praised the joint effort. “We would like to express our appreciation to the Cuban authorities for their extensive cooperation to resolve this dangerous situation quickly,” the U.S. Interests Section in Havana, which Washington maintains instead of an embassy, said in a statement.

#### Alt causes to drug trade – Peru and Colombia FTAs

WOLA No date (Washington Office on Latin America, No date given, but in or after 2006 and before the ratification of the two treaties, “Peru and Colombia FTAs Projected to Increase Drug Trafficking, Violence and Instability in the Andes,” <http://www.citizen.org/documents/ACF7E37.pdf>, alp)

The Peru and Colombia FTAs Agriculture Provisions Will Devastate Millions of Peru and Colombia’s Small Farmers: Nearly one third of Peru’s population1 and over twenty percent of Colombian workers2 depend on agriculture for their livelihood. The Peru and Colombia “Free Trade Agreements” (FTAs) require those nations to cut tariffs on many basic agricultural goods, opening up their markets to imports of the same commodities from subsidized U.S. agribusiness. CONVEAGRO, a major Peruvian farmers group estimates that approximately 1.7 million Peruvian families will be immediately affected by these provisions.3 In Colombia, the Ministry of Agriculture and Rural Affairs conducted a study of the effects of liberalization on nine primary agricultural products and found that full liberalization would lead to a 35 per cent decrease in employment.4 Experts Warn that the Colombia and Peru FTAs Will Lead to Increased Drug Production and Violence: Colombia and Peru are the top two producers of cocaine in the world, with Colombian cocaine representing two-thirds of the world’s supply.5 The Washington Post editorial board warned in February 2006 that the “rural dislocation that would follow from ending all protection for Colombian farmers could undermine the government’s efforts to pacify the countryside. If farmers can’t grow rice, they are more likely to grow coca.”6 As Nobel Prize-winning economist Joseph Stiglitz noted, the upheaval that such agreements will have on rural livelihoods is a self-defeating course that will mean “there will be more violence and the U.S. will have to spend more on coca eradication.”7 In the words of Archbishop Pedro Barreto, the President of the Episcopal Commission for Social Action of the Catholic Church in Peru, “We are certain that the trade agreement will increase the cultivation of coca, which brings along with it a series of negative consequences including drug trafficking, terrorism and violence.”8 Increased Drug Production is Linked to Past NAFTA-style Agricultural Trade Policies on Which the Peru and Colombia FTAs are Based: We do not need to rely on experts’ opinions regarding how the proposed FTAs will lead to increases in drug production. Unfortunately, there is a factual record demonstrating the phenomena. After NAFTA drove down commodity prices in Mexico and eventually 1.3 million Mexican campesinos were driven out of the business of growing corn and beans, many Mexican farmers turned to illegal drugs to compensate for lost income. The U.S. Customs and Border Protection Office reports that in NAFTA’s first decade, marijuana seizures doubled at the U.S.-Mexico border.9 Peru and Colombia’s neighbor Bolivia provides another stark example; after Bolivia underwent significant trade liberalization in the 1980s, many poor farmers were unable to earn sufficient income from legal crops and cocaine production rose 13 percent each year for the first three years of this policy.10 Peru experienced a similar trend when the liberalization of the coffee market depressed prices, with the result that “[peasant farmers] started to re-activate their abandoned coca fields and coca cultivation again rose in Peru.”11 The Colombia FTA Could Exacerbate Colombia’s Ongoing Civil Conflict: Colombia remains embroiled in a war between left-leaning guerillas, right-wing paramilitaries and the government. Colombia is wracked with some of the worst violence in the world: in 2005 alone there were over 17,331 homicides.12 Given the rural displacement and further impoverishment the Colombia FTA is projected to cause, the Colombian Ministry of Agriculture concluded that the FTA would give small farmers little choice but “migration to the cities or other countries (especially the United States), working in drug cultivation zones, or affiliating with illegal armed groups.”

#### Drug policy can’t solve:

#### 1) Drug trade’s resilient

Youngers and Rosin 4 (Coletta A., and Eileen, leading expert on international drug control policy in Latin America, independent consultant with the International Drug Policy Consortium, MA from Princeton University’s Woodrow Wilson School of Public and International Affairs, staff at the Washington Office on Latin America, AND financial manager at the Amazon Conservation Association, Washington Office on Latin America special report, November 2004, “Drugs and Democracy in Latin America: The Impact of U.S. Policy,” <http://www.umass.edu/legal/Benavides/Fall2005/397G/Readings%20Legal%20397%20G/10%20WOLA.pdf>, alp)

U.S. ofﬁcials routinely assert that international counterdrug programs are successful. Short-term tactical successes are indeed evident—coca crops are eradicated, trafﬁckers are arrested, and shipments are intercepted. Nonetheless, total coca production has remained remarkably steady and there is no evidence demonstrating a signiﬁcant reduction in the supply of illicit drugs on U.S. city streets. To the contrary— the stability of illicit drugs’ price and purity levels points to their continued accessibility. The drug trade is more like a balloon than a battleﬁeld—when one part of a balloon is squeezed, its contents are displaced to another. Similarly, when coca production is suppressed in one area, it quickly pops up somewhere else, disregarding national borders. Arrested drug lords are quickly replaced by others who move up the ranks; dismantled cartels are replaced by smaller, leaner operations that are harder to detect and deter. When drug-trafﬁcking routes are disrupted by intensive interdiction campaigns, they are simply shifted elsewhere. Andean coca cultivation, as depicted by the State Department’s own annual estimates, is remarkable for its stability at around 200,000 hectares per year (see chart on page 3). While the share of crops raised in each coca-producing country has ﬂuctuated, the total land area under cultivation each year has not varied dramatically.4 Moreover, according to U.S. government statistics, the average yield of coca leaves per hectare has risen over time, so that even apparent declines in cultivated land area may not translate into less coca available for processing into cocaine.5 In announcing the U.S. government ﬁgures for 2003 coca production, U.S. ofﬁcials all but declared victory. A sharp drop in Andean region coca cultivation, from 223,700 hectares in 2001 to 173,450 hectares in 2003, was attributed to a signiﬁcant reduction of Colombia’s coca crop and a smaller reduction in Peru.6 While U.S. ofﬁcials took the drop as a sign of success, the reduction represents only a 5 percent decrease, if measured from 1999 instead of the 2001 high point.7 Evidence is already mounting of a shift in coca production within Colombia to new areas, as farmers ﬂee massive fumigation campaigns, and coca production in Bolivia is again on the rise.

#### 2) Counter-drug policies cause fragmentation – increases violence

Youngers and Rosin 4 (Coletta A., and Eileen, leading expert on international drug control policy in Latin America, independent consultant with the International Drug Policy Consortium, MA from Princeton University’s Woodrow Wilson School of Public and International Affairs, staff at the Washington Office on Latin America, AND financial manager at the Amazon Conservation Association, Washington Office on Latin America special report, November 2004, “Drugs and Democracy in Latin America: The Impact of U.S. Policy,” <http://www.umass.edu/legal/Benavides/Fall2005/397G/Readings%20Legal%20397%20G/10%20WOLA.pdf>, alp)

A similar phenomenon happens with arrests of trafﬁckers. Removing one set of international drug dealers has often simply cleared the way for rivals and new entrants to the drug trade, rather than reducing the size of the drug market. Smashing the large Mexican and Colombian cartels led to the formation of groups that are smaller and harder to detect. Larger and more frequent drug seizures, often offered as evidence of policy success, are in fact inherently ambiguous indicators. They may instead reﬂect increased drug production and trafﬁcking, as trafﬁckers seek to compensate for their anticipated losses.

#### Drug trade declining

WSJ 6/28 (Wall Street Journal, “Mexico Sees Decline in Drug-Related Killings”, June 28th, 2013, <http://online.wsj.com/article/SB10001424127887324328204578573760968965312.html>)

Drug-related killings that turned parts of Mexico into the bloodiest spots on the globe appear to have decreased in recent months - a welcome trend in a nation exhausted by years of violence associated with organized crime, even if the reasons behind it are hard to pin down. The bloodshed is still alarmingly high, as the northern border and even the Acapulco beach resort continue to suffer from cartel turf wars. In his first six months in office, around 6,300 people died in killings seen as linked to organized crime. But that is a drop of about 18% compared with an estimated 7,700 in the previous six months. A separate study by a nonprofit group, the Mexican Institute of Competitiveness, used all reported murders, not just those classified as organized crime-related. It then seasonally adjusted the murder rates - since summer months tend to see a spike - and came up with a less-pronounced drop of 6% to around 10,000 murders, compared with about 10,600 in the six months before Mr. Peña Nieto took office. The study's lead author, Alejandro Hope, a former government intelligence official, said the seasonally adjusted decline seems to have flattened out in recent months, suggesting further gains may be hard to come by. "The situation is improving at a very slow rate," said Mr. Hope. "My nightmare scenario is that we get used to 20,000 or 25,000 people getting killed every year."

#### Plan doesn’t spill over—no will

**Llana 2011** [Sara Miller, “A year of drift in US-Latin American relations”, Dec 23, 2011, Christian Science Monitor, http://www.csmonitor.com/World/Americas/Latin-America-Monitor/2011/1223/A-year-of-drift-in-US-Latin-American-relations//cc]

In March, US President Barack Obama took his first trip to Latin America, stopping off in Brazil, Chile, and El Salvador. In October, the US approved long-awaited free trade deals with Panama and Colombia. According to the 2011 Latinobarometro poll, carried out across 18 countries in the region, President Obama ranked as the most popular leader in the Americas.

This year should have been a stellar one for US-Latin America relations, a major step forward after years of setback. But instead, despite the many positive developments, the relationship is characterized by, if not disdain, then definite distance.

“I think it’s a curious moment,” says Michael Shifter, president of the Inter-American Dialogue in Washington. “There is no evidence of great acrimony in US-Latin American relations as there was four or five years ago. But at the same time, there is this sense of distancing and drift, especially between the US and South America.”

The greatest symbol of that is the regional body that was officially launched in December, called the Community of Latin American and Caribbean States (CELAC), which includes 33 countries across the Americas but specifically excludes the US and Canada.

Many members of the body are strong allies of the US, but long-time foes such as Venezuelan President Hugo Chavez have said they hope it counters the other major regional body, the Organization of American States (OAS), based in Washington.

Such old-time arguments still flare. President Chavez, for example, has been weakened at home, as the country’s opposition strengthens ahead of 2012 presidential elections. In theory, that is good for the US, and the rhetoric between the two has been low-key this year. But it just flared again, with Obama sharply criticizing the state of human rights in Venezuela and the country’s relationship with Iran.

“We're concerned about the government's actions, which have restricted the universal rights of the Venezuelan people, threatened basic democratic values, and failed to contribute to the security in the region," Obama wrote in response to questions posed by the Venezuelan newspaper El Universal.

He added that he believes Venezuela’s relationship with Iran has not served the interest of Venezuelans. “Ultimately, it is up to the Venezuelan people to determine what they gain from a relationship with a country that violates universal human rights and is isolated from much of the world,” President Obama said. “Here in the Americas, we take Iranian activities, including in Venezuela, very seriously and we will continue to monitor them closely.”

Chavez countered on state television: "Obama, take care of your own business, focus on governing your country, which you've turned into a disaster. Leave us alone.”

Venezuela’s relationship with Iran is among the most contentious foreign policies issues within the US-Latin American dynamic but other relationships rankle too. The Cuban government, for example, decreed three days of mourning this week in the wake of the death of North Korean leader Kim Jong-il. They joined Venezuela and Nicaragua in expressing condolences.

But in general, the positive has outweighed the negative this year. Perhaps the US’s strongest ally in the region right now is Mexico, where its strategy against organized crime, despite questionable success, is vociferously supported in Washington. The US continues to underline its support.

The trade deal signed with Panama and Colombia strengthens US economic ties to both countries. And the US has restored relations with the economic powerhouse in the region – Brazil. (Trouble had started to brew over former Brazilian president Luiz Inacio Lula da Silva’s relationship with Iranian President Mahmoud Ahmadinejad.)

Still, on balance, the US is no closer to Latin America than it’s been since 9/11, when attention shifted to terrorism and away from the issues most Latin Americans care about, especially immigration. The region’s favorable view of the US has grown, from 58 percent in 2008 to 72 percent in 2011 (down slightly from a high of 74 percent in 2009), according to the 2011 Latinobarometro poll. The slight dip can be explained by a boost in expectations for Obama after former US President George W. Bush left office – he was widely reviled in Latin America. But even under Obama issues like immigration and drugs have been stuck. There is little hope of them getting “unstuck” in the upcoming US election year.

More than anything, however, is the simple fact that the US is no longer the sole player for Latin America. Obama's March trip was billed by the media as an effort to recapture US influence in Latin America. But Latin America has moved on. Countries are looking amongst themselves and much farther, particularly to China, to bolster their economies. They are forming their own relationships with countries, whether the US likes it or not. Of course US foreign policy matters here, but it matters so much less than it used to.

“There is just a sense that Latin America is pursuing its own agenda,” says Mr. Shifter.

#### Multiple alt causes

**Shifter, 8 –** Professor of Latin American Studies at Georgetown (Micheal, “U.S.-Latin American Relations: Recommendations for the New Administration”, Inter-American Dialogue, October 27, 2008, http://www.thedialogue.org/page.cfm?pageID=32&pubID=1625)

As if any further proof were needed, the ongoing financial crisis highlights the already diminished capacity of the United States to shape developments in the rest of the world. With its own house in disorder, the United States will struggle to get back on track as a responsible member of the international community.

Still, though the United States may be considerably chastened, it remains a superpower, whose decisions and actions have a huge global impact. When it falls to the next US administration to deal with the rapidly changing situation in the Middle East, Europe, Asia, or even Africa, it will likely reassess US interests and frame strategic choices in light of new realities.

But if the United States seriously undertakes such an effort for neighboring Latin America, it will mark the first time it has done so. For reasons of geography, history and power disparity, Latin America has typically been treated as a discrete compartment, separate from interest-based foreign relations.

Regardless of how one comes down on the issues of Cuba, immigration, drugs, and trade, the paternalistic impulse on the part of the United States has been unmistakable. Latin Americans find this tutorial attitude extremely irritating, and their objections have prompted a more collegial tone from the United States in certain cases. Unfortunately, it is still manifest in a variety of ways, from the overall diplomatic style to specific policies like drug cooperation decertification or suspending military training for countries that do not sign agreements that exempt US soldiers from prosecution under the International Criminal Court.

While domestic politics is never completely divorced from foreign policy, it has an inordinate and particularly distorting influence on Latin American policy. Hardliners and liberals alike rarely consider the effects policies and statements will have on US-Latin American relations or the ultimate impact for US interests. The decision to build a “wall” along the US-Mexico border, for example, may have been politically expedient but was deeply insulting, not only to Mexico, but to the entire region.

This ingrained reflex to dismiss Latin America as the “backyard” of the United States may have been understandable in a distant era, but today the region is wildly varied and defies lazy, superficial generalizations (e.g. “inflation is out of control” or “democracy is starting to take root”). Whether or not the United States recognizes it, the fact is that different parts of Latin America are moving in markedly different directions simultaneously.

**Drug trade inevitable**

**Scotsman 7** (12/13, War on drugs' can never be won, lexis, AG)

In the western world, we have been "fighting" what is - laughably? - called the "war on drugs" for some 40 years now, and the results are plain to see. Failure, utter failure. In comparison with the "war on drugs", the Iraq war seems a resounding success. The number of drug-users is probably higher than ever before - it was recently claimed that there are nine million of them in the United Kingdom, the majority, admittedly, restricting themselves to the so-called "soft drugs". Meanwhile, the profits are so huge that the drugs barons laugh all the way to their offshore bank deposits. Of course, the police and the law win occasional skirmishes. Consignments of drugs with a "street-value" put at hundreds of thousands, sometimes even millions, of pounds are seized. Dealers go to prison (where they find a new and every bit as profitable market). Even "Godfathers" may be arrested, charged and locked up, and their identifiable assets seized. But nobody can pretend that this really makes much difference. The profits of the drugs trade are so huge that there are always new entrepreneurs eager to step in and supply any temporary gap in the market. Nobody knows just how big that market is. Any estimates offered are little better than guesses. Likewise, nobody knows to what extent these profits are recycled into apparently legitimate businesses. What we can, sadly, be sure of is that, as a result of the demand for drugs, supply is never likely to dry up. The "war on drugs" will never be won.

# 2NC

### 2NC – Overview (template) (0:45)

#### Our interpretation is that they must be trade or aid. They don’t meet because they’re just a restructuring of our diplomatic policy towards Cuba. Resnick indicates that they have to explicitly lift a mandated restriction on trade like a tariff or penalty – merely facilitating trade is insufficient because it allows for a litany of effectually topical affs. They don’t even do that because 1AC CX proves the plan is literally “we leave Guantanamo.”

#### There are 3 DAs to their interpretation:

#### 1) Limits – they explode the topic by breaking the sacred restriction on “economic” engagement, resulting in other types of foreign engagement like cultural or diplomatic. That results in NGO affs, Venezuelan ambassadorship, Mexican legislative reform, any non-economic treaty aff, etc. That makes the preparation burden impossible which causes a shift to hypergenerics and undermines research skills by disincentivizing case-specific research – that prevents topic clash which destroys topic education and critical thinking. A decrease in specificity skews cost-benefit analysis which turns and solves all their impacts – only portable skill.

#### 2) Ground – they shift topic focus which prevents us from generating predictable and stable offense – diminishes the quality of debates which turns education. There are enough Cuban ethics affs which solves their aff ground args, but diplomatic engagement requires an entire different set of generics than EE – it was its own college topic which proves limits.

#### 3) Definitional limits are best for debate

Resnick 1 – Dr. Evan Resnick, Ph.D. in Political Science from Columbia University, Assistant Professor of Political Science at Yeshiva University, “Defining Engagement”, Journal of International Affairs, Spring, 54(2), Ebsco

While the term "engagement" enjoys great consistency and clarity of meaning in the discourse of romantic love, it enjoys neither in the discourse of statecraft. Currently, practitioners and scholars of American foreign policy are vigorously debating the merits of engagement as a strategy for modifying the behavior of unsavory regimes. The quality of this debate, however, is diminished by the persistent inability of the US foreign policy establishment to advance a coherent and analytically rigorous conceptualization of engagement. In this essay, I begin with a brief survey of the conceptual fog that surrounds engagement and then attempt to give a more refined definition. I will use this definition as the basis for drawing a sharp distinction between engagement and alternative policy approaches, especially appeasement, isolation and containment. In the contemporary lexicon of United States foreign policy, few terms have been as frequently or as confusingly invoked as that of engagement.(n1) A growing consensus extols the virtues of engagement as the most promising policy for managing the threats posed to the US by foreign adversaries. In recent years, engagement constituted the Clinton administration's declared approach in the conduct of bilateral relations with such countries as China, Russia, North Korea and Vietnam. Robert Suettinger, a onetime member of the Clinton administration's National Security Council, remarked that the word engagement has "been overused and poorly defined by a variety of policymakers and speechwriters" and has "become shopworn to the point that there is little agreement on what it actually means."(n2) The Clinton foreign policy team attributed five distinct meanings to engagement:(n3) A broad-based grand strategic orientation: In this sense, engagement is considered synonymous with American internationalism and global leadership. For example, in a 1993 speech, National Security Advisor Anthony Lake observed that American public opinion was divided into two rival camps: "On the one side is protectionism and limited foreign engagement; on the other is active American engagement abroad on behalf of democracy and expanded trade."(n4) A specific approach to managing bilateral relations with a target state through the unconditional provision of continuous concessions to that state: During the 1992 presidential campaign, candidate Bill Clinton criticized the Bush administration's "ill-advised and failed" policy of "constructive engagement" toward China as one that "coddled the dictators and pleaded for progress, but refused to impose penalties for intransigence."(n5) A bilateral policy characterized by the conditional provision of concessions to a target state: The Clinton administration announced in May 1993 that the future extension of Most Favored Nation trading status to China would be conditional on improvements in the Chinese government's domestic human rights record.(n6) Likewise, in the Agreed Framework signed by the US and North Korea in October 1994, the US agreed to provide North Korea with heavy oil, new light-water nuclear reactors and eventual diplomatic and economic normalization in exchange for a freeze in the North's nuclear weapons program.(n7) A bilateral policy characterized by the broadening of contacts in areas of mutual interest with a target state: Key to this notion of engagement is the idea that areas of dialogue and fruitful cooperation should be broadened and not be held hostage through linkage to areas of continuing disagreement and friction. The Clinton administration inaugurated such a policy toward China in May 1994 by declaring that it would not tie the annual MFN decision to the Chinese government's human rights record.(n8) Similarly, the administration's foreign policy toward the Russian Federation has largely been one of engagement and described as an effort to "build areas of agreement and...develop policies to manage our differences."(n9) A bilateral policy characterized by the provision of technical assistance to facilitate economic and political liberalization in a target state: In its 1999 national security report, the White House proclaimed that its "strategy of engagement with each of the NIS [Newly Independent States]" consisted of "working with grassroots organizations, independent media, and emerging entrepreneurs" to "improve electoral processes and help strengthen civil society," and to help the governments of the NIS to "build the laws, institutions and skills needed for a market democracy, to fight crime and corruption [and] to advance human rights and the rule of law."(n10) Unfortunately, scholars have not fared better than policymakers in the effort to conceptualize engagement because they often make at least one of the following critical errors: (1) treating engagement as a synonym for appeasement; (2) defining engagement so expansively that it essentially constitutes any policy relying on positive sanctions; (3) defining engagement in an unnecessarily restrictive manner.

#### 4) Err neg – leniency on the key phrase in the topic turns predictability and precision – link uniqueness is biased towards the aff. All the standards they made on the “no new args in the 2NC” debate are reasons why you shouldn’t let them reframe what the plan does in later speeches – neg strategy was based on the 1AC’s concession that the aff is unilateral non-monetary action towards Cuba which requires no reciprocation or long-term connection. CX is a speech, they can’t take back what they said.

### 2NC – Overview (Rowland)

#### Limits outweigh

Rowland 84 (Robert C., Debate Coach – Baylor University, “Topic Selection in Debate”, American Forensics in Perspective, Ed. Parson, p. 53-54, nkj)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing both in scope and size. This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breadth. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. National debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change. The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process. Despite this advantage of policy debate, Gaske believes that NDT debate is not the best vehicle for teaching beginners. The problem is that broad topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breath of the topic and experience “negophobia,” the fear of debating negative. As a consequence, the educational advantages associated with teaching novice through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caught without evidence or substantive awareness of the issues that confront them at a tournament.” The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters who eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much time and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity. Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.” The final effect may be that entire programs wither cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.” In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

### 2NC – Overview (China econ) (0:20)

#### The CCP has meticulously planned Chinese growth to account for slowdowns, but they require exports to buttress their economy – declining demand in the US and Europe forces them to Latin America – that’s Holland.

#### 

#### Exports are key to the economy – downturn collapses the CCP’s hold on power which causes nuclear lashout and global draw-in. That outweighs on magnitude. CCP irrationality and the perceptive nature of the internal link mean we win timeframe: you can only die once.

#### Independently, they conceded the economy impact in the Buzan and Foot ev – Chinese slowdown collapses global growth which turns the case:

Economic slowdowns collapse countries’ incentive to look at humanitarianism and encourage them to look inwards and emphasize defense and national security which result in HR violations. Chinese collapse causes internal repression and migration as per Buzan and Foot which results in loose nukes. It also breaks down the possibility of multilateralism by causing nationalism to reappear which turns soft power, and it encourages China to challenge American hegemony by attacking Taiwan in the SCS, turning heg.

### AT: K stuff

**Nuclear war is possible and likely – causes extinction and turns the case**

**Morgan 9**—Hankuk University of Foreign Studies, Yongin Campus (Dennis Ray, 10 July 2009, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race,” *Science Direct*, RBatra)

Russell and Einstein warned of bombs that are thousands of times more powerful than those of Hiroshima or Nagasaki, bombs that would send ‘‘radio-active particles into the upper air’’ and then return to the Earth in the form of a ‘‘deadly dust or rain’’ that would infect the human race thousands of times greater than those ‘‘Japanese fishermen and their catch of fish,’’ to quite **possibly ‘‘put an end to the human race**.’’ They feared that ‘‘if many H-bombs are used there will be universal death, sudden only for a minority, but for the majority a slow torture of disease and disintegration.’’ [7]. Years later, in 1982, at the height of the Cold War, Jonathon Schell, in a very stark and horrific portrait, depicted sweeping, bleak global scenarios of total nuclear destruction. Schell’s work, The Fate of the Earth [8] represents one of the gravest warnings to humankind ever given. The possibility of complete annihilation of humankind is not out of the question as long as these death bombs exist as symbols of national power. As Schell relates, the power of destruction is now not just thousands of times as that of Hiroshima and Nagasaki; now it stands at more than one and a half million times as powerful, **more than fifty times enough to wipe out all of human civilization and much of the rest of life along with it** [8]. In Crucial Questions about the Future, Allen Tough cites that Schell’s monumental work, which ‘‘eradicated the ignorance and denial in many of us,’’ was confirmed by ‘‘subsequent scientific work on nuclear winter and other possible effects: humans really could be completely devastated. Our human species really could become extinct.’’ [9]. Tough estimated the chance of human self-destruction due to nuclear war as one in ten. He comments that few daredevils or high rollers would take such a risk with so much at stake, and yet ‘‘human civilization is remarkably casual about its high risk of dying out completely if it continues on its present path for another 40 years’’ [9]. What a precarious foundation of power the world rests upon. The basis of much of the military power in the developed world is nuclear. It is the reigning symbol of global power, the basis, – albeit, unspoken or else barely whispered – by which powerful countries subtly assert aggressive intentions and ambitions for hegemony, though masked by ‘‘diplomacy’’ and ‘‘negotiations,’’ and yet this basis is not as stable as most believe it to be. In a remarkable website on nuclear war, Carol Moore asks the question ‘‘Is Nuclear War Inevitable??’’ [10].4 In Section 1, Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian ‘‘dead hand’’ system, ‘‘where regional nuclear commanders would be given full powers should Moscow be destroyed,’’ it is likely that any attack would be blamed on the United States’’ [10]. Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal ‘‘Samson option’’ against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even ‘‘anti-Semitic’’ European cities [10]. In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, **taking a savage toll upon the environment and fragile ecosphere as well**. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or ‘‘lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the ‘‘use them or lose them’’ strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to ‘‘win’’ the war. In otherwords, once Pandora’s Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, ‘‘everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors’’ [10]. In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In ‘‘Scenarios,’’ Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or nonnuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons. [10] She then goes on to describe six scenarios for catastrophic nuclear exchanges between various nations. Each scenario incorporates color-coded sections that illustrate four interrelated factors that will determine how a nuclear war will begin, proceed and escalate. These factors are labeled as accidental, aggressive, pre-emptive, and retaliatory. As for the accidental factor of nuclear war, both the U.S. and Russia have ‘‘launch on warning’’ systems that send off rockets before confirmation that a nuclear attack is underway; thus, especially during a time of tensions, a massive nuclear war could take place within only 30 min after a warning—even if the warning is false. This scenario has almost happened on several occasions in the past. It was only because of individual human judgments, which disbelieved the false warnings, that nuclear war did not happen, but if the human judgment had indeed interpreted the warnings according to protocol, an all-out nuclear war would surely have taken place. Besides the accidental factor, another factor that could incite nuclear war is that of aggression. When nuclear powers are involved in wars of aggression, the nuclear option is always available. Especially when a nuclear power explicitly states that ‘‘all options are on the table,’’ concern about the nuclear option is well founded. Thus, Moore defines the aggressive factor as when ‘‘one or more nations decide to use weapons against a nuclear or non-nuclear nation in order to promote an economic, political or military goal, as part of an ongoing war or as a first strike nuclear attack. (The state, of course, may claim it is a preemptive, retaliatory or even accidental attack.)’’ [10].5 Especially in light of the recent U.S. attack on Iraq (ideologically based on Bush’s preventative war doctrine), the ‘‘pre-emptive’’ factor in instigating a nuclear war should be taken seriously. It is when one or more nations believe, whether correctly or incorrectly, or claims to believe ‘‘that another nuclear nation is about to use nuclear weapons against its nuclear, military, industrial or civilian targets and preemptively attacks that nation.’’ [10].6 Similarly, ‘‘brinkmanship’’ could play a role in nuclear war escalation as well. We can see how this brinkmanship scenario is currently underway in U.S. plans to build a missile defense shield in Poland, all set against the background of a militarist, expansionist Bush Administration that prosecuted a war of aggression against the sovereign country of Iraq and currently seems poised to do the same against Iran. As the U.S. proceeds with its plans to employ the missile defense shield in Poland, the Russians feel threatened and are now proceeding with countermeasures ‘‘to ensure its territory integrity and security are maintained.’’ [11]. Finally, the ‘‘retaliatory’’ factor in nuclear war scenarios is when nations respond to the use of weapons of mass destruction (whether nuclear, chemical or biological) by attacking with nuclear weapons. Then, once again, when the evil genie is let loose from the bottle, counter retaliatory strikes lead to escalation by the parties involved, as well as other concerned parties. All of these interrelated factors are woven into the storyline of Moore’s six scenarios that depict how a nuclear war might start and escalate. The ‘‘bottom line assumption’’ is that any nuclear exchange will (under a ‘‘use it or lose it’’ mentality) result in a series of escalations among immediate parties and their allies that will spiral out of control ‘‘until most of the planet’s 20,000 odd nuclear weapons are exhausted.’’ [10].7 Thus does Moore dismiss the limited exchange assumption, which does not take into account that ‘‘whatever can go wrong will go wrong’’ and especially the ‘‘use them or lose them’’ underlying psychology or strategy. There is simply no way to demonstrate that limited strikes will stay limited. Under such unprecedented circumstances, the unpredictable element of human nature would certainly determine the extent of the global nuclear holocaust, and when we consider the predominate fear that underlies the psychology of the nuclear game of death, perhaps that element of human nature is not so unpredictable after all; fear will insure that an all-out nuclear war would prevail rather than limited strikes.

**History, human nature, military-industrial complex proves nuclear war is likely—it’ll never become obsolete**

**Rulon 11** (Charles L, Emeritus Life & Health Sciences Long Beach City College, he has spent the last four decades lecturing and writing on the subjects of evolution, creationism, science and religion, the Christian Right, pseudoscience, abortion, and environmental issues, http://www.philosophylounge.com/nuclear-war-inevitable/, “C Rulon: Is a Nuclear War Inevitable?”, April 16, alp)

Throughout recorded history humans have used war as the ultimate arbiter for acquiring, defending and expanding—some 14,000 major and mi­nor wars; over one bil­lion people killed. “War is one of the constants of history and has not diminished with civilization or democracy. In the last 3,411 years of recorded history only 268 have seen no war.” —Will and Ariel Durant, The Lessons of History (1968) But 65 years ago a quantum jump in warfare took place—the atomic bomb. Soon the nuclear genie was out of the bottle. More and more countries were eventually able to build or acquire nuclear weapons. North Korea and Pakistan. Soon Iran? There is even a nuclear black market that attracts terrorist groups. Yet, a full-scale nuclear war would destroy civilization and threaten life itself. Even a “limited” nuclear war could escalate into a full-scale one, as could a conventional war among the superpowers. At some point, if civilization is to flourish, loyalty to 200 individual nation-states must be enlarged to include a new over-rid­ing loyalty to humanity as a whole. But, can we do this? Does our brain carry within it the potential to peacefully resolve fundamental conflicts? According to historian Will Durant, history isn’t encouraging: “Some conflicts are too funda­mental to be resolved by negotiation; and during the prolonged ne­gotiations (if history may be our guide) subversion would go on. . . Such interludes of widespread peace are un­natural and exceptional; they will soon be ended by changes in the distribution of military power.” —Will and Ariel Durant, The Lessons of History (1968) The world’s political and military leaders, we would hope, know that a nuclear war would be catastrophic. But our brain—a brain that evolved from an ape brain—is prone to nationalistic pride, dis­trusting those who are different, and obeying charismatic authority figures (even monoma­niacal insane ones). It’s prone to conforming to the behavior of the masses like good sheep, even displaying ideological fervor. Now mix in grotesque global economic disparities. Add overpopulation pressures, resource shortages, local ecological collapses and global climate destabilization. Stir in willful ignorance, stu­pi­dity, relentless greed, fear, selfish­ness, indiffer­ence, lust for power, primal religious conflicts, entrenched racism, and virulent xenophobia. Sprinkle on more fear, plus our brain’s tendency for simplistic solutions and paranoid emotional respon­ses. Whip it all together and shove it into history’s oven of nightmares. Yes, our political and military leaders must know that a nuclear war would be catastrophic, but. . . . Nobel Prize-winning philosopher Arthur Koestler observes in the book, Brain, Mind and Behavior: “The trouble with our species is not an overdose of self-asserting aggression but an excess of self-transcending devotion, which manifests itself in blind obedience and loyalty to the king, country, or cause…One of the central features of the hu­man predica­ment is this overwhelming capacity and need for identifi­cation with a social group and/or system of beliefs, which is indifferent to reason, indifferent to self-interest, and even to the claim of self-preser­vation.” Emeritus physics professor Mark Perakh, author of the book, Unintelligent Design, adds his resigned rage: “Most probably the 21st century will see devastating wars and enormous explosions of barbarism. Humans as a species are the most stupid of all animals. There is hardly anything more stupid than a war, but humans seem to be unable to live without it. The struggle between reason and obscurantism… is just a footnote to the idiocy of wars that humanity sinks into with an inevitable regularity.” Our existential dilemma The detonation of even a small fraction of our nuclear weapons could likely result in the greatest catastrophe in human history, one that could unravel much of civilization as we know it and even push us to the brink of extinction. Thus, our policies of nuclear deterrence must never fail. Never! Never! No failure. Ever! Yet, year after year the roulette wheel of human conflicts continues to spin and the minute hand on the doomsday clock ticks closer to midnight. Is a nuclear war inevitable? Well, one formidable obstacle to lasting peace is the mili­tary-industrial complex, itself. All military organizations are trained to fight, to kill. Also, they must have actual or potential enemies in order to justify their budgets. Hence they are designed to be very in­effective at negotiation and compromise, critically important skills we need on this planet today. Somehow we must catch onto this and recognize that one of the greatest con­flicts in the world today is between the mili­taries of the world and the human species. “U.S. weapons manufacturers actively pro­mote the sale of their products to foreign nations irrespective of human rights abuses, type of government, or aggressive actions against neighboring states.” “…Members of Congress see military spend­ing as a big public works job program­—and a source of juicy pork for their states and districts.” —The Defense Monitor & Center for Defense Information bulletins For the first time in human history the fate of our entire species is in the hands of a very few decision makers. Do their evolved brains really have what it takes to survive at so dangerous a juncture, to not, sooner or later, make the fatal decision? “The mind resists involvement with horror as, in a normal person, it resists preoccupation with death. And in consequence we leave the issue of nuclear arms, their control and their conse­quences to the men who make horror their ev­eryday occupation. It is a reckless, even fatal, delegation of power.” —John Kenneth Galbraith End Times Theology And then there are the tens of millions of Americans who believe in biblical apocalyptic fatalism or Armageddon theology—that Christ can’t return until after World War III. They believe that this “final” war will start in the Middle East and spread and that the eventual des­truc­tion of Earth is inevitable. . .except for them, the Saved. Such End Times biblical beliefs have the poten­tial for being deadly in the hands of true believers in the Pent­a­gon, in the Air Force Academy at Colorado Springs, in Congress, and in the Execu­tive Branch. After all, why negotiate for peace in good faith if God’s apocalypse is at hand? Effective disarmament talks might even interfere with God’s timetable for the world. So, tens of millions of Christian Americans who might other­wise be working and praying for peace are now hoping that nuclear Armageddon and the Second Coming will happen in their lifetime.[i] According to Dr. Gerald Larue, Profes­sor Emeritus of Archae­ology and Near Eastern Studies, Uni­versity of Southern California, Armageddon theology portrays an angry, des­truc­tive God who requires absolute blind obedience from those who would be among his chosen ones. In that very demand are the elements of irresponsibility and destruction for the human species. Finally, to quote Blaise Pascal, “Men never do evil so com­­pletely and cheer­fully as when they do it from religious conviction.” Some closing thoughts We can no longer sit back and risk blind patriotism, ultra-nationalism, or religious fanaticism erupting in violence. All over the world are trouble spots that could some day escalate into a nuclear catastrophe. Never before has the United States been less secure. The absurdity and tragedy of the human species worldwide wasting over a trillion dollars a year on militarization, to say nothing of the hu­man talent diverted from the real problems of sur­vival on our ecologically endan­gered planet, is deeply and profoundly depressing to me. But it will be us, the “naked ape”, who are responsible for the demise of our species, if it comes, not the divine fulfillment of some apocalyptic plan prophesied in an ancient book. “The unleashed power of the atom has changed every­thing save our modes of thinking and we thus drift toward unparalleled catastrophe.” —Albert Einstein, 1946

**All their answers are wrong**

**Gonsell 12** April,Lieutenant Commander Rachael Gosnell, U,S. Navy and Second Lieutenant Michael Orietti U,S. Marine Corps “Now Hear This - ls Great-Power War Still Possible?”

The Center for Naval Analyses recently published Grand Strategy: Contemporary Contending Analyst Views and Implications for the U.S. Navy , a survey of potential U.S. strategies being debated in the academic and defense communities. The study identifies four competing lines of strategic thought: maintaining American hegemony, selective engagement, offshore balancing, and integrating collective international efforts. Two additional options—isolationism and world government—are noted and disregarded as not viable. Under this list of strategic options a sharp division is apparent, dictated by the question, “Is great-power war obsolete?” This fundamental question must be answered before any logical strategic decisions can be made. If great-power war is possible, then the de facto existential threat to U.S. interests, latent in the international system, must be addressed before all others. There are enormous implications for weapon procurement, operational doctrine, and force levels driven by this single issue. Global strategists point to economic globalization and the proliferation of nuclear weapons as modern guarantors of peace among major powers. However, we contend that these very rational hedges against violence can still be shattered by decidedly irrational and reactionary forces. Thus, the possibility of great-power war between China and the United States cannot be ruled out. Economic interdependence offers benefits beyond the sheer transfer of capital and goods—there can be no doubt of that. However, history renders globalization’s deterrent effects at least somewhat questionable. Substantial economic interdependence existed throughout Europe prior to World War I, and Japan was hugely dependent on American oil imports in the years leading up to World War II. It was this dependence that made the U.S oil embargo intolerable, ultimately motivating the Japanese to attack Pearl Harbor. On the other hand, the existential threat of nuclear weapons has certainly resulted in a universal desire keep Pandora’s Box firmly shut. While we concede the remarkable ability of weapons of mass destruction to dampen the oscillations of great-power relations, **it is unclear that the nuclear restraint against total war ever takes limited war off the table as a strategic option.** More fundamentally, though, the arguments for a nuclear-based “state of peace” are constrained by the limits of rationality. Rational bounds do not apply to the ephemeral—yet extremely powerful—waves of bellicose nationalism that can sweep up an entire nation. National pride is embedded in the Chinese DNA—and rightly so.

**De-escalation is impossible—causes counter value targeting and global devastation**

**Friedman ’11** (Jonah, Research Intern for the Project on Nuclear Issues, “Countervalue vs. Counterforce”, June 2, <http://csis.org/blog/countervalue-vs-counterforce>, CMR)

The argument by GOP House members that countervalue targeting is immoral may be true, but it is also **irrelevant**. There are **few plausible scenarios** in which a nuclear exchange could remain limited, despite discussions about nuclear warfighting strategies during the Cold War. As Robert McNamara wrote in a fall 1983 Foreign Affairs article:

“Is it realistic to expect that a nuclear war could be limited to the detonation of tens or even hundreds of nuclear weapons, even though each side would have tens of thousands of weapons remaining available for use? The answer is **clearly no**. Such an expectation requires the assumption that even though the initial strikes would have inflicted large-scale casualties and damage to both sides, one or the other—feeling disadvantaged—**would give in**. But under such circumstances, leaders on both sides would be under **unimaginable pressure** to avenge their losses and secure the interests being challenged. And each would fear that the opponent might launch a larger attack at any moment…Under such conditions, it is **highly likely** that rather than surrender, each side would **launch a larger attack**, hoping that this step would bring the action to a halt by causing the opponent to capitulate.”

Thus, a nuclear exchange would almost **certainly** entail a massive attack, and the deaths of perhaps tens of millions of people. Seeking to mitigate this scenario by killing “only” several million people is to miss the point entirely. **Any nuclear war would be devastating, regardless of any attempt to avoid directly targeting cities,** and by declaring cities as targets the stability induced by MAD is increased.

However, U.S. nuclear strategy employs a mix of counterforce and countervalue targeting, and some would argue that the inclusion of enemy military targets is useful. They might point to the ability of nuclear weapons to destroy deeply buried targets, for instance. The counterargument was made by Glaser and Steve Fetter in a 2005 International Security article, “Counterforce Revisited.” They point out that nuclear weapons would not be significantly more effective than conventional weapons at hitting such targets.

It is difficult to imagine a scenario which would require the use of nuclear weapons to hit military targets, since to do so is to suppose one of two things: either that one plans to attack these targets in a pre-emptive strike, or that they would be useful to the enemy even after a nuclear exchange. The development of plans and capabilities for a first strike would serve to undermine stability. Concern for an enemy’s military assets would seem to be fruitless except in the case of a nuclear warfighting strategy, since these assets can be hit by conventional weapons. Given that the U.S. is highly unlikely to launch a nuclear first-strike on any nation, and that waging limited nuclear war is **probably impossible**, the **greater emphasis** placed on countervalue targeting (rather than counterforce), the better.

In addition, relying solely on a countervalue strategy may become **more attractive** as the United States reduces its nuclear arsenal. Fewer warheads would be available to strike a variety of targets, from enemy weapons and command and control sites to population centers. The imperative to hit military targets would necessarily detract from our ability to threaten the enemy’s cities. Likewise, a commitment to a countervalue-only strategy would have the added benefit of allowing for substantial reductions in our nuclear arsenal, since the need to hit additional targets is eliminated.

**Fear of the bomb key to prevent annihilation**

**Futterman ‘95** [J. A. H. (Livermore lab researcher); “Obscenity and Peace: Meditations on the Bomb”; <http://www.dogchurch.org/scriptorium/nuke.html> ]

But the inhibitory effect of reliable nuclear weapons goes deeper than Shirer's deterrence of adventurer-conquerors. It changes the way we think individually and culturally, preparing us for a future we cannot now imagine. Jungian psychiatrist Anthony J. Stevens states,

"History would indicate that people cannot rise above their narrow sectarian concerns without some overwhelming paroxysm. It took the War of Independence and the Civil War to forge the United States, World War I to create the League of Nations, World War II to create the United Nations Organization and the European Economic Community. Only catastrophe, it seems, forces people to take the wider view.

Or what about fear? Can the horror which we all experience when we contemplate the possibility of nuclear extinction mobilize in us sufficient libidinal energy to resist the archetypes of war? Certainly, the moment we become blasé about the possibility **of holocaust we are lost**. As long as horror of nuclear exchange remains uppermost we can recognize that nothing is worth it. War becomes the impossible option. Perhaps horror, the experience of horror, the consciousness of horror, is our only hope. Perhaps **horror alone will enable us to overcome the otherwise invincible attraction of war**."

Thus I also continue engaging in nuclear weapons work to help fire that world-historical warning shot I mentioned above, namely, that as our beneficial technologies become more powerful, so will our weapons technologies, unless genuine peace precludes it. We must build a future more peaceful than our past, if we are to have a future at all, with or without nuclear weapons — a fact we had better learn before worse things than nuclear weapons are invented. If you're a philosopher, this means that I regard the nature of humankind as mutable rather than fixed, but that I think most people welcome change in their personalities and cultures with all the enthusiasm that they welcome death — thus, the **fear of nuclear annihilation** of ourselves and all our values **may be what we require** in order to become peaceful **enough to survive** our future technological breakthroughs.

**Default to our evidence which says that nuclear scenarios are true**

**Deconstruction of extratextual referents like “the bomb” and criticism of nuclear opposition cede the status quo – critical realism is key to take the world seriously and respond to possible futures**

**Wager ’89** [W. Warren (Professor of History at SUNY-Binghamton); American Literary History ]

Solomon gives the devil his due in a careful analysis of Derrida’s paper, but he concludes—I think correctly-that the Derridean deconstruction of nuclear criticism leads potentially **to its destruction as well**. Derrida does not forbid us to interpret the world and even foresee possible future, “but he does deconstruct the ground by which we might evaluate our interpretations, suspending our beliefs in a universal epoche” (30). If we **deny the availability of external criteria** by which to make rational choices **between alternative judgments and actions**, if we decide that nothing is decidable, then we have made a commitment in spite of ourselves: **a commitment to the status quo.** The way out of our dilemma, according to Solomon, is to adopt a conjectural. nondogmatic, and critical realism, along the lines of Karl Popper’s revision of Aristotle, with a little help from the semiotics of C. S. Peirce. Such a philosophy weaves its way adroitly through the brambles of Heideggerian elitist irrationalism, Marxian dogmatics, and Derridean nihilism, to emerge at the other end of the obstacle course with a theory that girds us for hard thought and action in the everyday world of empirical reality.   
At one point Solomon admits, almost sheepishly, that believing in the reality of an external world and the rational objectivity of scientific knowledge may sound to an outsider like simple common sense. But for a critic in this decade to **speak of “extratextual referents” (such as the Bomb**) or to propose that science is not just another form of literature, takes courage. The drift of recent philosophy of science as well as poststructuralist criticism is all in the direction of a corrosive and radical subjectivity that would, if it could, **leave nothing standing**. For his courage, and for his determination to gain the car of critics by mastering the arcane language of high theory, Solomon deserves much credit.

#### Apocalyptic scenario-planning is not pointless: it’s self-reflective which solves their offense

Bruce Tonn – Department of Political Science, University of Tennessee, and Jenna Tonn, Department of the History of Science, Harvard University – Futures 41 2009 760–765 – obtained via Science Direct

This discussion has largely been focused on the historical precedents for a secular tradition of writing about human extinction. Although literary studies may seem outside of the scope of futures studies, authors like Mary Wollstonecraft Shelley, H.G. Wells, Aldous Huxley, and Margaret Atwood present compelling visions of the future and generate discussions about the imagination of human extinction and the art of writing its scenarios. Furthermore a literary analysis of the apocalyptic mode of writing offers new insights into the reasons why the narrative of human extinction is so powerful and provides background texts that might help shape and inspire future extinction scenarios. D.H. Lawrence once asked: ‘‘What does the Apocalypse matter, unless in so far as it gives us imaginative release into another vital world? After all, what meaning has the Apocalypse? For the ordinary reader, not much’’ [28]. The goal of this edition is to address D.H. Lawrence’s questions and to prove to the ordinary reader that thinking about human extinction an integral step toward changing the present state of the world.

#### The process of rhetoric remedies political inaction and ensures change

Bruce Tonn – Department of Political Science, University of Tennessee, and Jenna Tonn**,** Department of the History of Science, Harvard University – Futures 41 2009 760–765 – obtained via Science Direct

As we have seen, human extinction scenarios today fit into a long secular and religious history of writing about the apocalypse. The question then becomes: what makes people use the narrative model of the apocalypse as seen in the Old and New Testaments to tell their own stories? A number have scholars have discussed this question. David Ketterer, who studies the apocalyptic mode in American literature, believes that ‘‘apocalyptic literature is concerned with the creation of other worlds which exist, on the literal level, in a credible relationship (whether on the basis of rational extrapolation and analogy or of religious belief) with the ‘real’ world, thereby causing a metaphorical destruction of that ‘real’ world in the reader’s head’’. Furthermore, W. Warren Wagar, a historian and futures scholar who published many books including A Short History of the Future, wrote ‘‘that eschatological fictions help us cope with the fear of death and compensate us for our powerlessness’’. Wagar’s work on the apocalypse relates closely to the subject of MWS’s novel. He argued ‘‘The last man, or one of a handful of last men, is a figure of immeasurable power and importance’’ [18]. David Seed, the editor of an anthology of articles on apocalypse theory, cites Frank Kermode’s The Sense of an Ending in his discussion of the usefulness of apocalypse narratives. According to Seed, Kermode believes that the ‘‘apocalypse depends on a concord of imaginatively recorded past and imaginatively predicted future, achieved on behalf of us, who remain ‘in the middest’’’. Kermode’s ‘‘central insight’’ into apocalypse theory is that the ‘‘apocalypse [is] a narrative, one of the fictions which we employ to make sense of our present’’. Furthermore, ‘‘there is a necessary relation between the fictions by which we order our world and the increasing complexity of what we take to be the ‘real’ history of the world’’ Relating to this point, Lois Parkinson Zamora writes that ‘‘the apocalyptist assigns to event after event a place in a pattern of historical relationships that. . .presses steadily towards culmination’’ [19]. Thus, the apocalypse is a literary device that humans turn to both to comprehend more fully their place in the world and to impress upon others the conditions of the ‘‘real’’ world which must be changed to ensure the future of humanity.

### 2NC – Drug coop fails

#### The aff can’t solve drugs:

#### a) Supply side fails – causes production shifting and creates scarcity which increases production – they’re fudging the numbers.

#### b) Trade’s resilient – trafficking routes shift and new members replace killed leaders – that’s WOLA. Cutting out routes causes new ones to spring up.

#### c) Fragmentation – killing cartel members promotes cartel fragmentation – magnifies violence – we control uniqueness.

#### d) Alt causes – Panama and Colombia – cartels rebound – that’s Youngers.

#### And we’d use forced eradication – that fails

Youngers and Rosin 4 (Coletta A., and Eileen, leading expert on international drug control policy in Latin America, independent consultant with the International Drug Policy Consortium, MA from Princeton University’s Woodrow Wilson School of Public and International Affairs, staff at the Washington Office on Latin America, AND financial manager at the Amazon Conservation Association, Washington Office on Latin America special report, November 2004, “Drugs and Democracy in Latin America: The Impact of U.S. Policy,” <http://www.umass.edu/legal/Benavides/Fall2005/397G/Readings%20Legal%20397%20G/10%20WOLA.pdf>, alp)

A constructive middle ground lies between the drug “hawks”—those advocating non-tolerance, supply-side strategies—and the drug “legalizers.” The United States needs to be both tough and smart about drugs— but this will require new approaches. Out of all the links in the chain of drug production and trafﬁcking that could be targeted, drug crops like coca leaves or opium poppy provide the smallest return for the effort. Farmers receive only a tiny fraction of the retail prices of illicit drugs on U.S. streets, making only enough money to survive. Growing alternative crops produces even less income, so as long as there is demand for drugs, there will be production of drug crops. Forced eradication is an endless and counterproductive game. Small producers without alternative livelihoods will simply replant. If subjected to repeat eradication, they plant in new areas, taking drug production and all of its corresponding problems along with them. And, if temporarily successful in driving up the price of the coca leaf, more people start planting to share in the economic gain.

### 2NC – Violence declining

#### Drug trade declining – no impact uniqueness:

#### a) Mexico proves – refocus away from armed street conflicts reduces deaths.

#### b) Experts – Mexican intelligence officials agree – 18% decrease in conflict – proves low probability and long timeframe – no spillover – that’s WSJ.

#### Cartel deaths now prove

IASW 12 (InterAmerican Security Watch, October 19, 2012, “Mexico’s Drug Lords Are Dropping Like Flies,” <http://interamericansecuritywatch.com/mexicos-drug-lords-are-dropping-like-flies/>, alp)

The most wanted men in Mexico are tumbling. Will crime follow suit? IN MARCH 2009 the Mexican government published a list of 37 men believed to be running drug gangs. The alleged bandits were named and rewards of up to 30m pesos ($2m) each were offered for their capture. The government’s normally stodgy official gazette listed the villains by their nicknames: Monkey, Beardy, Taliban and so on. It was a risky decision: the list could have become an embarrassment if its members had remained free. But most have not. Three and a half years on, security forces have arrested 16 of them and killed seven. Two more have been murdered by rivals. That leaves just 12 at large–though among them is the leader of the Sinaloa “cartel”, Joaquín Guzmán (known as El Chapo or “Shorty”), who is the most wanted of all. On October 7th the marines killed the latest target, Heriberto “The Executioner” Lazcano, who was allegedly head of the Zetas, one of Mexico’s two most powerful mobs. In an embarrassing twist, government officials thought they had merely dispatched a common criminal until a group of gunmen–presumably fellow Zetas–entered the funeral home where the body was kept and drove off with it in a hearse. Conspiracy theorists now wonder if Mr Lazcano faked his own death and is living out his days under a parasol in Cancún. Fingerprints and photos of the corpse suggest otherwise. Snatched bodies aside, the downing of so many drug lords is a success for Felipe Calderón, whose presidency will end on December 1st. The Gulf “cartel”, one of the region’s oldest and most powerful mafias, has been virtually wiped out. (Its boss, Jorge Costilla, was arrested last month.) The Beltrán Leyva organisation, once so formidable that it infiltrated the attorney-general’s office, is all but gone. The Zetas have been hurt by a series of arrests this year. Even Sinaloa, the strongest and canniest group, has lost important members. What is it good for? Despite it all, the murder rate is nearly twice as high as it was when Mr Calderón took office six years ago. In some cases the capture of kingpins has led to feuds among their deputies, fuelling the violence. Mr Calderón admits that the fall of Mr Lazcano might not immediately calm things down, though he says he expects a “period of stabilisation” to follow a “readjustment of the criminal organisations”. But when? It is nearly three years since the killing of Arturo Beltrán Leyva, and his old fiefs of Guerrero and Morelos now see 60% and 180% more murders than they did when he was alive. “It is precisely because there has not been an authority to replace that hegemony,” Mr Calderón says. “If a cartel is weakened and made vulnerable, as the Beltrán Leyvas were, but there is no authority to assume the roles of leadership and enforcement, clearly that prolongs the situation.” The blame, he implies, lies with state and local governments. “I would like nothing more than to be mayor of Acapulco [in Guerrero] as well…but the truth is that there is a local government and there is a governor of Guerrero, who between them have 5,000 police, and the desirable thing is that those police work. And while that doesn’t happen, well, evidently a process of instability will continue.” A national vetting scheme has weeded out some of the worst police. But so far ten of the 31 states (including Guerrero) have not evaluated even half their forces. The federal police, by no means completely clean, enjoy greater public confidence: 55% think they do a decent job, versus 42% for state police and 36% for local police. Enrique Peña Nieto, the president-elect, has promised to swell the federal police’s ranks by drafting in 40,000 soldiers. Some individual captures do seem to have helped. José Antonio Acosta, who has admitted to planning hundreds of killings for the Juárez gang in Chihuahua, was arrested in 2011. So far this year murders in the state have fallen by about a third. The removal of bloodthirsty lieutenants such as Mr Acosta may be less destabilising than the falls of capos. “If you’re taking out the middle layer, the risk of succession fights might be diminished,” says Alejandro Hope of IMCO, a think-tank. The recent captures of various mid-ranking Zetas, such as “El Lucky” and “the Squirrel”, might limit the infighting following the death of their leader. Mexico’s national murder rate has fallen by 8% this year, the first decline since drug-related violence took off in 2008. Mr Peña, who vowed to lead a “government that keeps its promises” during his campaign, says he aims to reduce it by half during his six-year tenure. (He will take last year’s rate as the base, giving him a small head start.) That is an ambitious goal. But as the dwindling most-wanted list shows, unlikely targets can sometimes be hit.

### 2NC – AT: Instability

#### 1) Don’t undermine stability – prefer comparative ev – production-sharing, remittances, and US imports prove resiliency

Thomas White International 12 (Thomas White International, an independent asset management firm with offices in Chicago and India. TWI offers a portfolio including asset management offerings, international, global, and emerging market mandates, Thomas White International, January 27, 2012, “Mexico: The glow of economic resilience lightens the shadows of violence,” <http://www.thomaswhite.com/world-markets/mexico-the-glow-of-economic-resilience-lightens-the-shadows-of-violence/>, alp)

The statistics are grim. Nearly 50,000 people have been killed in Mexico over the last five years in drug-related violence. Drug trafficking remains highly lucrative and the money lures young men into gangs that are well financed and armed. Despite repeated government attempts to push them back, criminal gangs rule the northern areas of the country with impunity. Kidnapping for ransom is commonplace and there are few businessmen who will not pay extortion money to criminals in the worst affected regions. People hardly venture out of their homes after dark and are scared of spending money, for fear of attracting the attention of criminals. Researchers have estimated that drug related violence is stifling Mexico’s economic growth by one percentage point or more. It’s not an ideal point to be in a tough global environment. But, surprisingly, the Mexican economy has so far remained somewhat impervious to all that violence. GDP growth last year was relatively healthy and the expected slowdown during the current year is likely to be a minor dip rather than a steep fall. Domestic consumer demand has held up, supported by nearly $23 billion in remittances during 2011 from Mexicans working abroad. Industrial investments are flowing in from abroad, and last year were estimated by the UN at close to $18 billion. Despite higher consumer prices in recent months, inflation remains under control and has allowed the central bank to maintain interest rates relatively low. It is interesting that much of the economy’s resilience is rooted in the sustained buoyancy in export shipments, especially of manufactured goods, when consumer demand in the U.S., the destination for most of Mexico’s exports, has not been particularly robust. This suggests Mexico’s improved export competitiveness and, in fact, Mexico has been steadily increasing its share in the total import basket of its northern neighbor. The most significant driver of this trend are rising labor and other costs in China and in neighboring Asian countries that are the principal suppliers into the U.S. market. Even though the average wages in Mexico are still higher than most developing countries in Asia, the competitive edge in that Far East region has gradually declined when aggregate costs are considered. The close proximity to the U.S., which allows greater logistical flexibility in response to short-term demand fluctuations, adds to Mexico’s luster in the eyes of large manufacturers. Nowhere is this trend more visible than in the automobile sector, which accounts for nearly a fourth of Mexico’s manufacturing output and employs more than half a million people. Annual production of cars and light vehicles last year totaled 2.56 million units, the highest ever. More than 80% of the production was exported, as shipments to overseas markets crossed 2 million units for the first time. Almost all major global car makers now have manufacturing units in Mexico, Fiat being the most recent entrant with an assembly line for its chic small cars. Notably, while the U.S. remains the most significant market for Mexican automobiles, exports to other Latin American countries are growing at a faster pace. Mexican auto exports to markets in South America jumped more than 50% last year after the signing of regional trade pacts meant lower trade barriers and tariffs. This has considerably increased market access, especially in countries such as Brazil and Argentina. As demand growth in these new markets is likely to be stronger than in the U.S., research outfits such as IHS Global Insight are hopeful that Mexico will be able to expand its shipments even further in the future. Manufacturers are also betting that Mexico will become a regional automobile manufacturing hub, and are busy building new facilities and expanding existing ones. For example, Japanese car maker Mazda is investing $500 million in a new factory, while larger rival Honda is spending $800 million to build its second assembly line. Not to be outdone, Nissan has announced a $2 billion investment in a third assembly unit to lift its aggregate capacity in the country to over 1 million units annually. Alongside its efforts to stem the violence, the Mexican government is also doing its part to lift economic growth by pushing significant infrastructure projects. Earlier this month, the Mexican president inaugurated the world’s highest cable suspended bridge across the Baluarte River in the Sierra Madre Occidental mountain range. When opened for traffic later this year, it will significantly improve transportation to one of the most inaccessible parts of the country. The bridge is only one of many more that will dot the new $1.5 billion highway, connecting the city of Durango to the Pacific port city of Mazatlan. The new highway, which is expected to dramatically cut travel time between the two cities, is again part of a larger and more ambitious project to connect the Atlantic and Pacific coasts of Mexico. It is hoped that this project, when completed, will facilitate easier access for Mexican products to Asian markets.

#### 2) It doesn’t affect the economy

Silber 11 (Kenneth, senior editor at Research, a magazine for financial advisors, founder and president of Silber Performance Consulting, ThinkAdvisor, June 1, 2011, “Mexico’s Resilient Market,” <http://www.thinkadvisor.com/2011/06/01/mexicos-resilient-market>, alp)

The Mexican stock market has a history of overcoming economic and financial crises. Mexico’s long-ago president, José Porfirio Díaz, is credited with a memorable, though likely apocryphal, quote, which translates as: “Poor Mexico, so far from God and so close to the United States!” Díaz, who as a youth fought against the U.S. in the Mexican-American War, was overthrown in the 1911 Mexican Revolution, but his desire to keep some distance from the giant northern neighbor echoed through the 20th century in Mexican policies that kept a tight rein on cross-border trade and investment. In recent decades, though, and particularly since the North American Free Trade Agreement went into effect in 1994, Mexico’s policymakers have sought to capitalize on their country’s proximity to the U.S. Consequently, Mexico has attracted investor interest for its uncommon identity as both emerging market and member of a vast trade bloc. The nation’s transformed status enabled Mexico’s equity market to weather a currency crisis in 1994 and a malaise that beset emerging markets generally in the late 1990s. Moreover, in recent years, Mexico’s market has soared to unprecedented heights, notwithstanding a significant but transient plunge during the global financial crisis. The benchmark IPC index, which at the start of 2000 was slightly above 7,000, hit a peak of 31,975 in May 2008 before falling to 19,626 in May 2009. As of December 2009, it was above its pre-crisis peak. At the end of 2010 the IPC hit an all-time high of 38,550 before retreating mildly into the vicinity of 37,000 in the second quarter of 2011. Goldman Sachs has labeled Mexico one of the N-11, a group of 11 nations poised to follow the four BRICs of Brazil, Russia, India and China in taking on expanded roles in the world economy. Mexico, along with South Korea, is a more developed economy than the bulk of the N-11, a diverse set that includes frontier markets such as Nigeria and Bangladesh, and yet Mexico is included in the grouping for its high growth potential. Indeed, some projections have placed Mexico as the world’s fifth largest economy in 2050, compared to its current position narrowly missing the top 10. This would put Mexico behind China, the U.S., India and Brazil and ahead of Russia. Mexico may not be a BRIC — though Mexican officials have been known to grumble that the category should be called BRICMs — but it is set to carry significant weight whatever the label. Notably, such optimism about growth is occurring amid a spate of grim news from Mexico about escalating violence by drug cartels. Such violence, while it holds potential to damage tourism revenues, has had little impact thus far in dampening investor enthusiasm. As in the past, Mexico’s market is showing considerable resilience. Building a Bloc Negotiations toward a North American free-trade zone began in the mid-1980s. On Dec. 17, 1992, NAFTA was signed at a ceremony in San Antonio, Texas by President George H.W. Bush, Mexican President Carlos Salinas de Gortari and Canadian Prime Minister Brian Mulroney. After a contentious debate in the U.S., the pact was ratified by legislation signed by President Bill Clinton on Dec. 8, 1993. Mexican equities moved upward steadily in anticipation of closer North American links. The IPC, which opened 1992 at 1,444, closed that year at 1,759 and ended 1993 at 2,603. In May 1994, Mexico joined the Organization for Economic Cooperation and Development, becoming the OECD’s first Latin American member and crossing the threshold before other mid-1990s entrants such as South Korea and Poland. In December 1994, the Mexican peso was devalued sharply amid panic about factors ranging from current-account and budget deficits and lending standards to the leftist insurgency in the state of Chiapas. The IPC closed the year at 2,373, and it traded below the 2,000 level during much of the first half of 1995. A U.S.-led international package of loans and guarantees helped stabilize Mexico’s economy, preparing the way for renewed growth in 1996. The IPC ended 1995 at 2,778 and was at 3,361 at end-1996. The late 1990s were a time of cautious but generally upward movement in Mexico’s equity market. The IPC made its first push above the 5,000 line in August 1997. The 7,000 mark was hit on Dec. 28, 1999, the third-from-last trading day of the decade. Millennial Ascent A vigorous Mexican bull market began in mid-2003. The IPC, which hovered around the 7,000 level in June of that year, closed 2003 at 8,795. Then the bull’s pace picked up. The IPC made its first push above 10,000 in February 2004 and by year-end was at 12,917. The 15,000 mark was hit in September 2005. The IPC crossed the 20,000 line for the first time in April 2006 and ended that year at 26,448. The IPC first closed above the 30,000 line on May 11, 2007. It fluctuated around that line for the rest of 2007, closing the year at 29,536. The index poked above the 32,000 line briefly in April 2008, but in subsequent months was caught in the downdrafts of the global financial crisis. The IPC fell below 25,000 that September and below 20,000 the following month, briefly dipping below the 17,000 mark in October’s last week. The IPC ended 2008 at 22,380 and at end-March 2009 was back below 20,000. But the resilience of Mexico’s market became increasingly evident. In early October 2009, less than a year after its low point, the IPC pushed back above the 30,000 line. The index ended 2009 at 32,120. In the decade and a half since the peso crisis, Mexico had tended toward fiscal restraint in its macroeconomic policies and cautious lending standards in its banking system. Both now paid off in bolstering investor confidence amid worldwide financial jitters. The nation also was well-positioned to withstand dropping oil prices; unlike fellow energy exporters Venezuela and Russia, Mexico had not poured its oil revenues into an unsustainable spending spree. So Close to the U.S. The earlier-mentioned Porfirio Díaz-attributed quote appears to be a poor guide to Mexico’s situation in the early 21st century. The country’s proximity to the U.S. now is a selling point that helps draw investors into Mexico’s stock market. Mexico’s ready access to its giant neighbor as an export market is a major reason for this. Ironically, though, growing concerns about U.S. public finances may also increase Mexico’s attractiveness. Mexico’s public debt recently has stood at a little over 40 percent of GDP, compared to a U.S. equivalent of nearly 60 percent. When Standard & Poor’s shifted to a negative outlook on U.S. debt in April, Mexican financial markets took it in stride, as analysts noted the contrast with Mexico’s own strong fiscal position. ---- A Long Development Mexican equity trading dates back to 1886 with the establishment of the Bolsa Mercantil de México (Mexican Mercantile Exchange) in Mexico City. In 1975, this organization changed its name to the Bolsa Mexicana de Valores (Mexican Stock Exchange), acquiring regional exchanges in Monterrey and Guadalajara at the same time. A modernized version of the institution was launched in 1933, and a regulatory liberalization in the 1980s enabled trading to expand. Today, the organization, often referred to by the initials BMV, is Latin America’s second largest stock exchange, after Brazil’s BM&F Bovespa. Long owned by a group of banks and brokerage firms, BMV became a publicly traded company in 2008. Since 1996, investing in Mexico through an exchange-traded fund has been possible with the iShares MSCI Mexico Investable Market Index Fund (symbol: EWW). It remains the only pure-play Mexico ETF. ----- Extremely High-Net-Worth During the past two years, Forbes has ranked Mexican tycoon Carlos Slim Helú as the world’s richest person. Slim, 71, is the chairman of telecom companies Telmex and América Móvil and his Grupo Carso holding company has stakes in various industries. In March 2011, Forbes estimated the net worth of Slim and his family at $74 billion. In 2009, Slim provided a $250 million loan to the cash-strapped New York Times. The infusion came in the form of notes that carried a high 14 percent interest rate. In late 2010, the Times announced an intention to repay the loan in 2012, three years early. As a child, Slim learned business practices from his father, an immigrant from Lebanon who had founded a dry-goods store. At age 12, the future billionaire bought shares in a Mexican bank. His early business interests focused on construction, mining and real estate, but by the 1980s he was involved in industries ranging from aluminum to chocolate.

# 1NR

**Biology proves—utilitarian focus on survival is the only accurate framework**

**NYT 7** (3/20, Scientist Finds the Beginnings of Morality in Primate Behavior, http://select.nytimes.com/gst/abstract.html?res=F20611FE3C540C738EDDAA0894DF404482, AG)

Some animals are surprisingly sensitive to the plight of others. Chimpanzees, who cannot swim, have drowned in zoo moats trying to save others. Given the chance to get food by pulling a chain that would also deliver an electric shock to a companion, rhesus monkeys will starve themselves for several days. Biologists argue that these and other social behaviors are the precursors of human morality. They further believe that if morality grew out of behavioral rules shaped by evolution, it is for biologists, not philosophers or theologians, to say what these rules are. Moral philosophers do not take very seriously the biologists’ bid to annex their subject, but they find much of interest in what the biologists say and have started an academic conversation with them. The original call to battle was sounded by the biologist Edward O. Wilson more than 30 years ago, when he suggested in his 1975 book “Sociobiology” that “the time has come for ethics to be removed temporarily from the hands of the philosophers and biologicized.” He may have jumped the gun about the time having come, but in the intervening decades biologists have made considerable progress. Last year Marc Hauser, an evolutionary biologist at Harvard, proposed in his book “Moral Minds” that the brain has a genetically shaped mechanism for acquiring moral rules, a universal moral grammar similar to the neural machinery for learning language. In another recent book, “Primates and Philosophers,” the primatologist Frans de Waal defends against philosopher critics his view that the roots of morality can be seen in the social behavior of monkeys and apes. Dr. de Waal, who is director of the Living Links Center at Emory University, argues that all social animals have had to constrain or alter their behavior in various ways for group living to be worthwhile. These constraints, evident in monkeys and even more so in chimpanzees, are part of human inheritance, too, and in his view form the set of behaviors from which human morality has been shaped. Many philosophers find it hard to think of animals as moral beings, and indeed Dr. de Waal does not contend that even chimpanzees possess morality. But he argues that human morality would be impossible without certain emotional building blocks that are clearly at work in chimp and monkey societies. Dr. de Waal’s views are based on years of observing nonhuman primates, starting with work on aggression in the 1960s. He noticed then that after fights between two combatants, other chimpanzees would console the loser. But he was waylaid in battles with psychologists over imputing emotional states to animals, and it took him 20 years to come back to the subject. He found that consolation was universal among the great apes but generally absent from monkeys — among macaques, mothers will not even reassure an injured infant. To console another, Dr. de Waal argues, requires empathy and a level of self-awareness that only apes and humans seem to possess. And consideration of empathy quickly led him to explore the conditions for morality. Though human morality may end in notions of rights and justice and fine ethical distinctions, it begins, Dr. de Waal says, in concern for others and the understanding of social rules as to how they should be treated. At this lower level, primatologists have shown, there is what they consider to be a sizable overlap between the behavior of people and other social primates. Social living requires empathy, which is especially evident in chimpanzees, as well as ways of bringing internal hostilities to an end. Every species of ape and monkey has its own protocol for reconciliation after fights, Dr. de Waal has found. If two males fail to make up, female chimpanzees will often bring the rivals together, as if sensing that discord makes their community worse off and more vulnerable to attack by neighbors. Or they will head off a fight by taking stones out of the males’ hands. Dr. de Waal believes that these actions are undertaken for the greater good of the community, as distinct from person-to-person relationships, and are a significant precursor of morality in human societies. [Continues] “Morality is as firmly grounded in neurobiology as anything else we do or are,” Dr. de Waal wrote in his 1996 book “Good Natured.” Biologists ignored this possibility for many years, believing that because natural selection was cruel and pitiless it could only produce people with the same qualities. But this is a fallacy, in Dr. de Waal’s view. Natural selection favors organisms that survive and reproduce, by whatever means. And it has provided people, he writes in “Primates and Philosophers,” with “a compass for life’s choices

**No intrinsic morality—values can’t be given meaning without consequential analysis of actions justified under the ethical framework**

**Minteer 4** – Prof Environmental Ethics and Policy, Arizona State (Ben, Environmental Ethics Beyond Principle?, Journal of Agricultural and Environmental Ethics 17.4, p 139-40, AG)

As a result, the “rightness” of moral claims depends on their ability to contribute to the resolution of specific problematic situations – an ability determined through intelligent appraisal and inquiry – not on the intrinsic nature of the principle itself (Dewey, 1989, p. 280). In making this move, Dewey significantly shifted discussions of moral theory and argument away from a preoccupation with the ontological status and justification of general moral principles and moved it toward the refinement of the process of intelligent inquiry and the development of better and more effective methods of deliberation, cooperative problem solving, and conflict resolution. It is important to note that in arguing for the instrumental and experimental role of moral principles in problematic situations, Dewey did not deny the existence of such principles, nor did he reject their role within moral deliberation and decision-making. He only sought to put them in their proper place. Historically successful moral principles promoting the good and the right were not to be uncritically accepted before experimental inquiry, just as they were not to be cast aside simply because they trafficked in generalities or presumed to hold a universal currency. Instead, they should be understood as potentially useful resources for comprehending and ultimately transforming particular unstable and disrupted moral contexts: In moral matters there is . . . a presumption in favor of principles that have had a long career in the past and that have been endorsed by men of insight. . . . Such principles are no more to be lightly discarded than are scientific principles worked out in the past. But in one as in the other, newly discovered facts or newly instituted conditions may give rise to doubts and indicate the inapplicability of accepted doctrines (Dewey, 1989, p. 330). Still, in Dewey’s way of thinking, the conceptual and practical demands placed on previously held moral principles by the emergence of new experiences and evolving factual circumstances required an adaptive moral system, one in which standards, rules, and principles would necessarily undergo various degrees of revision and reinterpretation in order to meet new socio-historical conditions and changing individual desires. Often, this process led to the formulation of entirely new principles as moral inquirers responded to the dynamic and evolving quality of human experience: In fact, situations into which change and the unexpected enter are a challenge to intelligence to create new principles. Morals must be a growing science if it is to be a science at all, not merely because all truth has not yet been appropriated by the mind of man, but because life is a moving affair in which old moral truth ceases to apply.

**Utilitarianism inevitable**

**Green 2** – Assistant Professor Department of Psychology Harvard University (Joshua, November 2002 "The Terrible, Horrible, No Good, Very Bad Truth About Morality And What To Do About It", 314) GZ

Some people who talk of balancing rights may think there is an algorithm for deciding which rights take priority over which. If that’s what we mean by 302 “balancing rights,” then we are wise to shun this sort of talk. Attempting to solve moral problems using a complex deontological algorithm is dogmatism at its most esoteric, but dogmatism all the same. However, it’s likely that when some people talk about “balancing competing rights and obligations” they are already thinking like consequentialists in spite of their use of deontological language. Once again, what deontological language does best is express the thoughts of people struck by strong, emotional moral intuitions: “It doesn’t matter that you can save five people by pushing him to his death. To do this would be a violation of his rights!”19 That is why angry protesters say things like, “Animals Have Rights, Too!” rather than, “Animal Testing: The Harms Outweigh the Benefits!” Once again, rights talk captures the apparent clarity of the issue and absoluteness of the answer. But sometimes rights talk persists long after the sense of clarity and absoluteness has faded. One thinks, for example, of the thousands of children whose lives are saved by drugs that were tested on animals and the “rights” of those children. One finds oneself balancing the “rights” on both sides by asking how many rabbit lives one is willing to sacrifice in order to save one human life, and so on, and at the end of the day one’s underlying thought is as thoroughly consequentialist as can be, despite the deontological gloss. And what’s wrong with that? Nothing, except for the fact that the deontological gloss adds nothing and furthers the myth that there really are “rights,” etc. Best to drop it. When deontological talk gets sophisticated, the thought it represents is either dogmatic in an esoteric sort of way or covertly consequentialist.

**Ignoring disads is morally bankrupt**

**Nielsen 72** – Professor of Philosophy, Calgary (Kai, Against Moral Conservativism, Ethics 82.3, p 229-30, jstor, AG)

Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a **moral evasion**. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his 'moral purity' and avoid 'dirty hands' at the price of utter moral failure and what Kierkegaard called 'double-mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right.

#### *status quo resolves the aff – Obama is in the process of closing guant – vote neg on presump*

Rucker, 12/26

(Philip, 12/26/13, Washington Post Politics, “Obama signs defense law, calls it a ‘welcome step’ toward closing Guantanamo Bay prison”, <http://www.washingtonpost.com/politics/obama-signs-defense-law-calls-it-a-welcome-step-toward-closing-guantanamo-bay-prison/2013/12/26/ba07e1d4-6e5c-11e3-b405-7e360f7e9fd2_story.html>, AMP)

On Thursday, Obama urged Congress to lift restrictions on transferring Guantanamo detainees to U.S. soil, where they could be brought to justice for their crimes. Obama noted that hundreds of other terrorism suspects have been successfully prosecuted in federal courts under previous Democratic and Republican administrations.

**Deontology framework assumes individuals**

**Harries 94 –** Fellow, Lowy Institute for International Policy, Senior Fellow, Centre for Independent Studies(Owen, Power and civilization, http://www.encyclopedia.com/doc/1G1-15353301.html, AG)

Performance is the test. Asked directly by a Western interviewer, "In principle, do you believe in one standard of human rights and free expression?", Lee immediately answers, "Look, it is not a matter of principle but of practice." This might appear to represent a simple and rather crude pragmatism. But in its context it might also be interpreted as an appreciation of the fundamental point made by Max Weber that, in politics, it is "the ethic of responsibility" rather than "the ethic of absolute ends" that is appropriate. While an individual is free to treat human rights as absolute, to be observed whatever the cost, governments must always weigh consequences and the competing claims of other ends. So once they enter the realm of politics, human rights have to take their place in a hierarchy of interests, including such basic things as national security and the promotion of prosperity. Their place in that hierarchy will vary with circumstances, but no responsible government will ever be able to put them always at the top and treat them as inviolable and over-riding. The cost of implementing and promoting them will always have to be considered.

**Ethics fail in practice**

**Minteer 4** et al, 2004 (Ben, Journal of Agricultural and Environmental Ethics, 17: 131-156, ebsco) SAS

Even though Dewey wrote decades before the birth of environmental ethics as an academic field, he nevertheless rejected the same sort of principle-ist approach he saw as plaguing much of the Western philosophical tradition. For starters, Dewey argued that philosophers’ advocacy of the application of “fixed” ethical claims articulated prior to reflection in concrete situations and decision contexts runs into a number of debilitating problems in practice. One of these problems is the difficulty of interpreting the general principle in question in light of complex and changing experiential circumstances. As Dewey observed, Even if all men agreed sincerely to act upon the principle of the Golden Rule as the supreme law of conduct, we should still need inquiry and thought to arrive at even a passable conception of what the Rule means in terms of concrete practice under mixed and changing social conditions. Universal agreement upon the abstract principle even if it existed would be of value only as a preliminary to cooperative undertaking of investigation and thoughtful planning; as a preparation, in other words, for systematic and consistent reflection (Dewey, 1989, p. 178). In Dewey’s view, moral principles should be seen as comprising only one part of the process of thoughtful and reflective inquiry into specific problematic situations. While these claims often have a presumptive force in our deliberations over the right policy or action (a force owing to their previous success in helping us adapt to previous problems), they can, at best, capture only a particular aspect or dimension of the larger, complex experiential situation in which we find ourselves engaged. Since past experience shows that these unstable and indeterminate contexts often find us struggling to harmonize disparate rights, duties, goods, virtues, and the like – each of which competes for attention and influence in our moral judgments – the selection of any one of these for special emphasis before contextual analysis thwarts intelligent moral inquiry. Not only are problematic situations sufficiently dense and complex as to call into question the formalistic application of any general principle laid down in advance, they are also diverse enough to challenge the uncritical reliance upon any single moral claim in governing our inquiry into potential alternative courses of action. As Dewey wrote, A genuinely reflective morals will look upon all the [moral] codes as possible data.It will neither insist dogmatically upon some of them, nor idly throw them all away as of no significance. It will treat them as a storehouse of information and possible indications of what is now right and good (Dewey, 1989, p. 179; emphasis in original). Dewey’s pluralism, combined with his experimental approach to ethical reasoning, meant that there was no a priori, context-independent manner in which to rank various values, duties, and goods. Such hierarchies could only emerge through the process of deliberation, which in turn would be guided by the real needs and deficiencies of the troubling situation in question (Caspary, 2000, p. 162). And no matter how closely it may seem to resemble previously experienced dilemmas and disruptions, each problematic situation presents us with something novel and unexpected. Given all this, Dewey reasoned, we should not seek to constrain the moral discussion to the language of a single principle or set of principles prior to experimental inquiry if we wish to respond intelligently and creatively to new and increasingly complex moral challenges.

**And, Western rights promotion won’t be accepted where it matters**

**Pagden, prof , 3—**Professor at UCLA and Oxford (Anthony Pagden, Apr. 2003, “Human Rights, Natural Rights and Europe’s Imperial Legacy”, Sage Publications Inc. AR)

In 1947, the Saudi Arabian delegation to the committee drafting the Universal Declaration of Human Rights protested that the committee had "for the most part taken into consideration only the standards recognized by Western civilization," and that it was not its task "to proclaim the superiority of one civilization over all others or to establish uniform standards for all the coun- tries of the world." Since then similar complaints have become commonplace. The widespread Islamic objection to the concept of "human rights" has been joined by appeals on the part of Asian despots, and in particular Singapore's Lee Kuan Yew, for the recognition of the existence of a specific set of "Asian Values" which supposedly places the good of the community over those of individuals. The concept of "human rights" has also been denounced from within the Western, predominantly liberal, academic establishment as overly dependent upon a narrow, largely French, British, and American, rights tradition. Until very recently, and still in some Utramontane quarters, the Catholic Church has also been a source of fierce opposition to what it saw as the triumph of lay individualism over the values of the Christian community. What all of these criticisms have in common is their clear recognition of—and objection to—the fact that "rights" are cultural artefacts masquerading as universal, immutable values. For whatever else they may be, rights are the creation of a specific legal tradition-that of ancient Rome, and in particular that of the great Roman jurists from the second to the sixth centuries, although both the concept and the culture from which it emerged were already well established by the early Republic. There is no autonomous conception of rights outside this culture. This may be obvious. But whereas those who are critical of the idea take it to be the self-evident refutation of the possibility of any kind of universal or natural human entitlement, champions of rights, in particular of "human rights," tend to pass over the history of the concept in silence. In his famous article on natural rights H. A. L. Hart argued that there may be codes of conduct termed moral codes... which do not employ the notion of a right, and there is nothing contradictory or otherwise absurd in a code or morality consisting wholly of prescriptions or in a code which prescribed only what should be done for the realization of happiness or some ideal of personal perfection. As Hart pointed out, neither Plato nor Aristotle, nor indeed any other Greek author uses a term which could be rendered as "right," as distinct from "justice," and most Greek law, and jurisprudence belonged to the category of prescriptive codes about how to achieve the highest good. When Hart wrote his article in 1955 he added that such codes would be properly described as "imperfect."5 Many modem commentators, in the wake of decades of discussions of cultural and moral pluralism, might shy away from even that. Yet the attempt to avoid the evident culturally-specific nature of the entire enterprise of defining rights has all too often resulted in surrender to the notion that the creation of one specific culture-particularly as that is also a powerful Western one-must necessarily be invalid for all other cultures, something which, if taken seriously, would deprive us of any means of establishing agreed modes of conduct between differing peoples. It is undeniable that, at present, the "international community" derives its values from a version of a liberal consensus which is, in essence, a secularized transvaluation of the Christian ethic, at least as it applies to the concept of rights.

**No correlation between war and human rights—countries would go to war with or with out it**

**Pagden, prof , 3—**Professor at UCLA and Oxford (Anthony Pagden, Apr. 2003, “Human Rights, Natural Rights and Europe’s Imperial Legacy”, Sage Publications Inc. AR)

War was, of course, a condition of life, particularly in the Roman world, yet most Roman jurists insisted that since human beings were distinguished from animals by the fact that they used language, not force, to resolve their disputes, it had always to be an act of last resort. "The best state," as Cicero observed, "never undertakes war except to keep faith or in defense of its safety."' In general most of the Christian successor states to the Roman empire accepted this basic principle. Those wars, said Augustine, in the most frequently cited passage on the subject, “are just which revenge the injuries caused when the nation or civitas with which war is envisaged has either neglected to make recompense for illegitimate acts committed by its members, or to return what has been injuriously taken.” This meant that war could only be waged defensively, and in pursuit of compensation for some alleged act of aggression, against either the Romans themselves or their allies-their socii or amici.

**And, it’s offense—incremental shifts make the US look hypocritical—kills credibility**

**Roth 2k** (Kenneth, Executive Director, Human Rights Watch, Fall, Chicago Journal of International Law,1 Chi. J. Int'l L. 347)AS

Washington's cynical attitude toward international human rights law has begun to weaken the US government's voice as an advocate for human rights around the  [\*353] world. Increasingly at UN human rights gatherings, other governments privately criticize Washington's "a la carte" approach to human rights. They see this approach reflected not only in the US government's **narrow formula** for ratifying human rights treaties but also in its refusal to join the recent treaty banning anti-personnel landmines and its opposition to the treaty establishing the International Criminal Court unless a mechanism can be found to exempt US citizens. For example, at the March-April 2000 session of the UN Commission on Human Rights, many governments privately cited Washington's inconsistent interest in international human rights standards to explain their lukewarm response to a US-sponsored resolution criticizing China's deteriorating human rights record.

**Domestic policies can’t overcome international opposition**

**Weisbrot, CEPR co-director, 9** – co-director of the Centre for Economic and Policy Research in DC. PhD in economics from U Mich. (Mark, The Guardian, “Who is America to judge? After Abu Ghraib, Gitmo and extraordinary renditions, other countries now challenge America's standing on human rights,” 3/11/2009, http://www.guardian.co.uk/commentisfree/cifamerica/2009/mar/11/state-department-human-rights, JMP)

In the past, Washington was able to position itself as an important judge of human rights practices despite being complicit or directly participating in some of the worst, large-scale human rights atrocities of the post-second world war era – in Vietnam, Indonesia, Central America and other places. This makes no sense from a strictly logical point of view, but it could persist primarily because the United States was judged not on how it treated persons outside its borders but within them.

Internally, the United States has had a relatively well-developed system of the rule of law, trial by jury, an independent judiciary and other constitutional guarantees (although these did not extend to African-Americans in most of the southern United States prior to the 1960s civil rights reforms).

Washington was able to contrast these conditions with those of its main adversary during the cold war – the Soviet Union. The powerful influence of the United States over the international media helped ensure that this was the primary framework under which human rights were presented to most of the world.

The Bush administration's shredding of the constitution at home and overt support for human rights abuses abroad has fostered not only a change in image, but perhaps the standards by which "the judge" will henceforth be judged.

One example may help illustrate the point: China has for several years responded to the state department's human rights report by publishing its own report on the United States. It includes a catalogue of social ills in the United States, including crime, prison and police abuse, racial and gender discrimination, poverty and inequality. But the last section is titled "On the violation of human rights in other nations".

The argument is that the abuse of people in other countries – including the more than one million people who have been killed as a result of America's illegal invasion and occupation of Iraq – must now be taken into account when evaluating the human rights record of the United States.

With this criterion included, a country such as China – which does not have a free press, democratic elections or other guarantees that western democracies treasure – can claim that it is as qualified to judge the United States on human rights as vice versa.

US-based human rights organisations will undoubtedly see the erosion of Washington's credibility on these issues as a loss – and understandably so, since the United States is still a powerful country, and they hope to use this power to pressure other countries on human rights issues. But they too should be careful to avoid the kind of politicisation that has earned notoriety for the state department's annual report – which clearly discriminates between allies and adversary countries in its evaluations.

The case of the recent Human Rights Watch report on Venezuela illustrates the dangers of this spillover of the politicisation of human rights from the US government to Washington-based non-governmental organisations. More than 100 scholars and academics wrote a letter complaining about the report, arguing that it did not meet "minimal standards of scholarship, impartiality, accuracy or credibility".

For example, the report alleges that the Venezuelan government discriminates against political opponents in the provision of government services. But as evidence for this charge it provides only one alleged incident involving one person, in programmes that serve many millions of Venezuelans. Human Rights Watch responded with a defence of its report, but the exchange of letters indicates that HRW would have been better off acknowledging the report's errors and prejudice, and taking corrective measures.

Independence from Washington will be increasingly important for international human rights organisations going forward if they don't want to suffer the same loss of international legitimacy on human rights that the US government has. Amnesty International's report last month calling for an arms embargo on both Israel and Hamas following Israel's assault on Gaza – emphasising that the Obama administration should "immediately suspend US military aid to Israel" until "there is no longer a substantial risk that such equipment will be used for serious violations of international humanitarian law and human rights abuses" – is a positive example.

The report's statement that "Israel's military intervention in the Gaza Strip has been equipped to a large extent by US-supplied weapons, munitions and military equipment paid for with US taxpayers' money" undoubtedly didn't win friends in the US government. But this is the kind of independent advocacy that strengthens the international credibility of human rights groups, and it is badly needed.

**It’s too late to recover credibility**

**Weisbrot, CEPR co-director, 9** – co-director of the Centre for Economic and Policy Research in DC. PhD in economics from U Mich. (Mark, The Guardian, “Who is America to judge? After Abu Ghraib, Gitmo and extraordinary renditions, other countries now challenge America's standing on human rights,” 3/11/2009, http://www.guardian.co.uk/commentisfree/cifamerica/2009/mar/11/state-department-human-rights, JMP)

The US state department's annual human rights report got an unusual amount of criticism this year. This time the centre-left coalition government of Chile was notable in joining other countries such as Bolivia, Venezuela and China – who have had more rocky relations with Washington – in questioning the moral authority of the US government's judging other countries' human rights practices.

It's a reasonable question, and the fact that more democratic governments are asking it may signal a tipping point. Clearly, a state that is responsible for such high-profile torture and abuses as took place at Abu Ghraib and Guantánamo, that regularly killed civilians in Afghanistan and Iraq and that reserved for itself the right to kidnap people and send them to prisons in other countries to be tortured ("extraordinary rendition") has a credibility problem on human rights issues.

Although President Barack Obama has pledged to close down the prison at Guantánamo and outlaw torture by US officials, he has so far decided not to abolish the practice of "extraordinary rendition", and is escalating the war in Afghanistan. But this tipping point may go beyond any differences – and they are quite significant – between the current administration and its predecessor.

**Alt cause—immigration**

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II. BARRIERS IMMIGRANTS FACE IN ACCESSING THEIR RIGHT TO HEALTH CARE Despite its status as a leader in the field of medical advances and extraordinary care for those who can afford it, the United States is not meeting the requisite level of health care for all in the international arena of human rights, due to its policies which limit access to care and compromise the quality of health care. As a signatory to the ICESCR in 1977, the United States stated its commitment in front of the international community to uphold the values in the treaty. n52 Under the ICESCR, the United States is "obligated to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health services; [and] abstaining from enforcing discriminatory practices as a State policy." n53 Although the Supreme Court has recognized the rights of prisoners and detainees to health services, as the treaty provides, it has not extended equal access to minorities, asylum seekers, and illegal immigrants to curative health [\*1643] care, and federal legislation has completely denied the right of illegal immigrants to preventative care. Since access to health care can be defined as "factors that influence the ease with which medical care can be obtained," n54 whether an individual can physically access care does not fulfill a duty to provide equal access to health care. Federal policies that perpetuate racial, cultural, and linguistic barriers to care thus also prevent equal access to medical care. These barriers prevent all people in the United States from receiving the level of meaningful health care internationally mandated as a necessary human right, especially for individuals who have to deal with both types of access issues, such as many immigrants who lack physical access due to indigence and legal status and have significant racial, cultural, and linguistic hurdles to overcome. As the number of immigrants in the United States steadily increases, more people will be marginalized by American health care policies and deprived of their international human right to health. This trend particularly in Latino immigration must be addressed since, "when ethnicity and insurance status are combined, rural uninsured Latinos are among the least likely individuals to receive healthcare," such that the number of people without health care will continue to increase. n55 The issues immigrants face in obtaining medical care highlight the consequences of a system that views health care as a privilege. n56 A. Barriers to Physically Accessing Medical Care The status of health care as a privilege in the United States can be seen through the barriers that federal law and policies place on immigrants' access to health care in the country. Under common law, a physician has no duty to treat any patient who had not yet formed a physician-patient relationship with them. n57 Traditionally, the same no duty rule applied to private hospitals, which had no duty to admit a patient, regardless of whether an emergency condition existed, and thus could refuse any patient for any reason at all, including inability to pay. n58 This no duty to aid rule was famously articulated in the case of Wilmington General Hospital v. Manlove, n59 where the Supreme Court of Delaware held that "[a] private hospital owes the public no duty to accept any patient not desired by it, and it is not necessary to assign any reason for its refusal to accept a [\*1644] patient for hospital service." n60 However, Manlove recognized the dangers of refusing a request for emergency care because "a refusal might well result in worsening the condition of the injured person, because of the time lost in a useless attempt to obtain medical aid," n61 and thus held that a hospital was under a duty to provide emergency care, "when: (1) an 'unmistakable emergency' existed; (2) the hospital had a 'well-established' custom of providing emergency care; and (3) the patient relied on the hospital's usual practice of providing emergency care. n62 However, without a strict definition of "unmistakable emergency," Manlove's loose standard led to frequent denials of even emergency care, with deadly consequences, and common "patient dumping," n63 or "a hospital's refusal to provide emergency medical screening exams or the transfer of an unstable patient on grounds unrelated to the patient's need for the services or the hospital's ability to provide them." n64 1. The Failed Right to Emergency Care under EMTALA The practice of patient dumping shocked the consciences of many representatives in Congress and led to the passage of the Emergency Medical Treatment and Active Labor Act ("EMTALA") in 1986. n65 The EMTALA provisions apply to any Medicare-participating hospital with an emergency medical department, n66 and provide: If any individual (whether or not eligible for benefits under this subchapter) comes to the emergency department and a request is made on the individual's behalf for examination or treatment for a medical condition, the hospital must provide for an appropriate medical screening examination within the capability of the hospital's emergency department ... to determine whether or not an emergency medical condition ... exists. n67 [\*1645] If the examination reveals that an emergency medical condition does in fact exist, the hospital may not transfer or discharge the patient without first stabilizing the patient's condition, and may only transfer the patient to another medical facility under the limited circumstances described in the statute. n68 When faced with horrible examples of death and disease due to the refusal of health care for lack of ability to pay, Congress could have used EMTALA as the perfect avenue to provide a minimal level of health care for everyone in the United States and fulfill its international commitments to provide a human right to health in the country. Senator Durenberger (a cosponsor of the Senate version of EMTALA), for example, was moved to sponsor the bill because he believed, "the practice of rejecting indigent patients in life threatening situations for economic reasons alone is unconscionable." n69 The spirit of providing at least emergency care as a minimal part of the human right to health was certainly present during EMTALA's passage, and is seen in Representative Bilirakis's statement that "no person should be denied emergency health care or hospital admittance because of a lack of money or insurance." n70 However, if Congress did intend EMTALA to delineate and safeguard a right to a minimal level of health, it did not succeed through the passage of that Act. While multiple authors, policy makers, and perhaps most of those impacted by EMTALA's provisions have seen the statute as providing an unfettered right of access to emergency care for every single person in the United States, n71 and understand that to clearly be the congressional intent behind its passage, n72 the statute's ambiguous language became subject to judicial interpretation which has greatly reduced its effectiveness in providing universal access to emergency care. n73 In fact, several judicial [\*1646] opinions have stripped EMTALA of its force as a grant of emergency care rights, and instead interpreted the statute as merely a non-transfer statute. n74 For example, while a cursory reading of the stabilization requirement of the Act seems to require a hospital to stabilize all patients it determines to have an emergency medical condition, the Eleventh Circuit read the plain language of the statute as limiting that duty to only apply in the case of a transfer, and held that "there is no duty under EMTALA to provide stabilization treatment to a patient with an emergency medical condition who is not transferred." n75 Additionally, conflicts in judicial interpretation of the duration of liability for stabilization requirements show the possibility for large differences in the emergency care provision, depending on which competing interpretations is applied. For example, while the Ninth Circuit held that a hospital's duty to stabilize is accomplished at the moment that a patient is admitted for patient care, based on the court's reading of EMTALA as an anti-transfer statute, n76 the Sixth Circuit interpreted the EMTALA obligations as extending well beyond admission, holding that "once a patient is found to suffer from an emergency medical condition in the emergency room, she cannot be discharged until the condition is stabilized, regardless of whether the patient stays in the emergency room." n77 The Sixth Circuit rule anticipated the possibility that a hospital knows the emergency condition of a patient and admits the patient into the hospital, but does not actually stabilize or treat the patient in any way and yet escapes liability under EMTALA. n78 Lastly, the Fourth Circuit stated that: The avowed purpose of EMTALA was not to guarantee that all patients are properly diagnosed, or even to ensure that they receive adequate care, but instead to provide an "adequate first response to a medical crisis" for all patients and "send a clear signal to the hospital community ... that all Americans, regardless of wealth or status, should know that a hospital will provide what services it can when they are truly in physical distress." n79 [\*1647] Thus, using the statements of Senator Durenberger (who had gone on to say that rejecting patients for lack of funds was "unconscionable") n80 which could otherwise demonstrate congressional intent to provide universal emergency care, the Fourth Circuit instead limited the Act so that it only guarantees a nondiscriminatory emergency medical response and does not prescribe any right to a minimal level of adequate medical treatment. n81 The 2003 revised regulations governing the Act released by the Centers for Medicare & Medicaid Services (CMS), of the Department of Health and Human Services (HHS), and the Office of the Inspector General (OIG) further limit the scope of a hospital's obligation to provide emergency care to those who come through its doors and further reduce patient access to emergency medical care. n82

Although EMTALA has had the effect of increasing immigrant access to emergency care in hospitals regardless of a patient's immigration status and insurance coverage, n83 its language does not protect a human right to emergency health care or a right to a minimal standard of care, as can be seen through the myriad of judicial interpretations of the Act that have left it with little of its intended force to protect the rights of the indigent and uninsured. By passing EMTALA, Congress recognized the value of at least a certain level of health care for all humans, and perhaps it intended to codify those rights, but it has not since fulfilled its international responsibilities and has instead erected further barriers to health care access for certain individuals it has deemed unworthy to receive care. 2. The Lack of Non-Emergency Care Rights and PRWORA Access to emergency screening in hospitals and stabilization before being transferred does not rise to a level that meets the international standards dictating a right to health for immigrants in the United States who lack insurance. The uninsured do not receive regular medical care both because of the high costs of health care in the country and because doctors may and often do refuse to treat the uninsured, leaving hospital emergency rooms as their primary source of care. n84 Uninsured aliens especially are less likely to receive preventative, prenatal, and other non-emergency medical care and frequently go to hospital emergency rooms for illnesses that could have been prevented with prior care. n85 Instead of ameliorating these problems by providing greater access to non-emergency health care for all people, including immigrants, Congress in 1996 took a major step away from recognizing a human right to health when it enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1966 (PRWORA, or 1996 Welfare Reform Act), n86 leaving [\*1648] thousands of alien immigrants without government health insurance and thus without care. n87 Congress passed PRWORA with an intent to eliminate public benefits for illegal immigrants, since the statute denies state and local benefits to unqualified aliens. n88 The Act defines qualified aliens as including Lawful Permanent Residents ("LPRs"), asylees and refugees, among others, but intentionally excludes undocumented aliens. n89 It also does not cover temporary residents (nonimmigrants), aliens granted temporary protected status, Family Unity beneficiaries, spouses and children with pending adjustment of status claims, cancellation of removal and asylees applicants, and several other categories of aliens in the United States. n90 The Act erects a barrier to health care for immigrants by denying state and local benefits for ineligible aliens and provides exceptions only for emergency care, immunizations, treatment for communicable diseases, disaster relief, and programs which may be specified by the Attorney General. n91 PRWORA does, however, allow states to pass legislation "which affirmatively provides ... eligibility" to undocumented immigrants for any state or local benefits, n92 leaving immigrants at the will of the legislatures and sentiments toward immigrants in the individual states in which they reside to provide them with a way to access non-emergency care. Additionally, PRWORA further hindered immigrant access to care by enacting waiting periods for immigrants to receive Medicaid benefits. The Act prescribes that LPRs who entered the country after August 22, 1996 can only apply for Medicaid benefits after five years of having entered the country legally, and can only receive benefits at states' discretion, as is the case for LPRs who were in the country as of August 22, 1996. n93 Under PROWRA, refugees and asylees are not eligible for Medicaid assistance until seven years after their date of entry, and, as previously discussed, all aliens holding legal nonimmigrant status as well, as all undocumented immigrants, are completely barred from receiving assistance through these programs. n94 3. A Look at Texas Provides Hope The impacts of federal barriers to health care are usually most starkly noticed close to home in the communities that are faced with the choice of either treating an individual without insurance or public benefits preventatively for free, or having to wait until that person has an affirmative legal claim to care when his condition becomes life-threatening and is thus not only more expensive to treat, but has put his health and life at grave risk. Public hospitals in many Texas cities have been providing non-emergency care for undocumented immigrants for years, and thus have recognized the need to provide basic health care to people in their community, regardless of a person's legal status. n95 In 2001, when the Harris County Hospital District decided to expand its preventative health care benefits to undocumented immigrants, it asked then-Texas Attorney General John Cornyn to make sure that policy was in accordance with applicable state and federal laws. n96 In a response that came as a shock to hospital administrators across the state, Cornyn stated that Texas had not enacted a law "affirmatively" providing public benefits to undocumented immigrants, such that PRWORA precluded hospitals from providing non-emergency care to undocumented immigrants. n97 Although an amendment to the Texas Family Code allowed the Texas Department of Protective and Regulatory services to provide public funds to anyone who was eligible, regardless of their immigration status, n98 and the Indigent Health Care and Treatment Act allowed public hospital districts to provide residents of the districts with free or discounted health care regardless of legal immigration status, n99 Cornyn stated that these laws did not "expressly state the legislature's intent that undocumented aliens are to be eligible for certain public benefits." n100 To remedy the situation of uncertainty caused by the Attorney General's opinion and the lack of care for hundreds of undocumented immigrants who were turned away from hospitals as a result of Cornyn's analysis, n101 the Texas legislature amended the Texas Health & Safety Code providing: As authorized by 8 U.S.C. Section 1621(d), this chapter affirmatively establishes eligibility for a person who would otherwise be ineligible under 8 U.S.C. Section 1621(a), provided that only local funds are utilized for the provision of nonemergency public health benefits. A person is not considered a resident of a governmental entity or hospital district if the person attempted to establish residence solely to [\*1650] obtain health care assistance. n102 Following this enactment, another opinion of the Texas Attorney General, issued on July 22, 2004, answered the question of whether this provision requires or merely permits hospital districts to provide non-emergency health benefits to undocumented immigrants. n103 The Attorney General's analysis focused on the word "eligibility" as used in the statute and concluded that it connoted fewer rights than the word "entitled" would, such that hospital districts are not required to provide non-emergency care under that statute. n104 Thus, while federal and higher state officials have attempted to curtail the provision of health care benefits to immigrants, local hospitals who see the day-to-day impacts of the policies regarding health care as a privilege continue to push for access to preventative care for all their residents, a position which the Texas legislature advanced by "affirmatively" providing all immigrants with access to benefits. 4. The United States Is Not Meeting International Health Standards Federally however, the United States legislature has not responded to the health care needs of its residents. Millions of uninsured immigrants are thus without access to non-emergency health care, such as LPRs, asylees, and refugees who await eligibility for Medicare benefits for years, as well as undocumented immigrants who will never qualify. In contrast, the health of all humans cannot wait, and not providing access to preventative, non-emergency care is a gross violation of national and international opinions on human rights, regardless of a person's legal status. The Supreme Court has even articulated the seriousness and cruelty of denying preventative care stating: To allow a serious illness to go untreated until it requires emergency hospitalization is to subject the sufferer to the danger of a substantial and irrevocable deterioration in his health. Cancer, heart disease, or respiratory illness, if untreated for a year, may become all but irreversible paths to pain, disability, and even loss of life. The denial of medical care is all the more cruel in this context, falling as it does on indigents who are often without the means to obtain alternative treatment. n105 Not providing preventative care is denying the right to health to all immigrants who wait for years for benefit eligibility and to those who can never access non-emergency care at all because of their poor legal and financial situation. "The illegals are human beings," and "understanding that undocumented immigrants are human beings makes it easier to see that providing them basic preventative medicine and health care is not a [\*1651] right based on citizenship, but a right as a human being." n106 The United States thus has a moral and international obligation to provide all Americans and all immigrants with comprehensive access to care. By denying care to immigrants, the country is not living up to its political commitments and ideals it adhered its signature to in the ICESCR,] the Convention on the Rights of the Child, and [CEDAW the Convention on the Elimination of All Forms of Discrimination against Women: recognizing the human right to health care. The United States is also violating its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination by explicitly discriminating against immigrants' access to health care on the basis of national origin in PROWRA, which is prohibited in the treaty and thus violates international law as recognized both inside and outside the country. n107 Discrimination in access to health care services also exists on a de-facto basis, as racial and ethnic minorities still receive poorer health care services than Anglo-Americans, and racial minorities and immigrants compose the majority of those who are uninsured. n108 The country must begin honoring its international obligations by taking steps to end discrimination in the provision of health care and honoring a human right to health.

#### Status quo solves – conditions are now humanitarian

Pearlstein, 12 (Deb, assistant professor of international and constitutional law at Cardozo Law School in New York. She was part of the first group of human rights monitors granted access in 2004 to observe military commission proceedings at Guantánamo Bay, “The Situation Is Better Than It Was,” JANUARY 9, 2012, 6:33 PM, NYT Room For Debate, Online, <http://www.nytimes.com/roomfordebate/2012/01/09/guantanamo-10-years-later/guantanamo-better-than-it-was>, accessed 7/23/13) PE

For all that remains deplorable about the continuing operation of the Guantánamo prison, it is wrong to suggest, as some have, that the situation now is no different than it was a decade ago. But the reasons many of our most distinguished military leaders have called for the facility’s closure remain valid. In 2002, detention conditions at the base were often abusive, and for some, torturous. Today, prisoners are generally housed in conditions that meet international standards, and the prison operates under an executive order that appears to have succeeded in prohibiting torture and cruelty. In 2002, the U.S. president asserted exclusive control over the prison, denying the applicability of fundamental laws that would afford its residents even the most basic humanitarian and procedural protections, and rejecting the notion that the courts had any power to constrain executive discretion. Today, all three branches of government are engaged in applying the laws that recognize legal rights in the detainees. Guantánamo once housed close to 800 prisoners, and most outside observers were barred from the base. Today, it holds 171, and independent lawyers, among others, have met with most detainees many times.

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#### Obama’s Executive Order restricts CIA’s torture

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In the first sign of friction within his new administration, President Obama overruled the pleas of senior U.S. intelligence officials and signed a new executive order that bars the CIA from using harsh interrogation methods beyond those permitted by the U.S. military.

#### Closing GITMO won’t solve legal status or torture – its inevitable.

Berenson 05(Bradford, lawyer who served in the White House counsel's office, “Why Guantanamo Bay Should Stay Open”, NPR, 6/10/2005, http://www.npr.org/templates/story/story.php?storyId=4697513

INSKEEP: We've heard plenty of arguments for closing the Guantanamo detention center. What is the argument for keeping it open? Mr. BERENSON: Guantanamo has become a symbol for a set of practices in the war on terror that people object to. But it's really not Guantanamo that people have a problem with. It's the practices involving detainees at Guantanamo that are the fodder for the critics. So closing Guantanamo really will have only symbolic value. The things that we are doing at Guantanamo Bay will still have to take place somewhere and Guantanamo is in many ways the ideal location to have prison camps of this kind. It is completely secure, so there are no risks to American civilian populations, no risks of escape, yet it is close to the United States so that policy-makers, lawyers, journalists, can have ready access, but it is not within the United States. In that sense, Guantanamo's somewhat unique. INSKEEP: Forgive me, are you saying that the practices that have been widely criticized in the way that US has treated detainees are going to continue no matter what? Mr. BERENSON: No, I don't mean that the abuses or the violations of US policy that have occurred from time to time are going to take place elsewhere or anyway. But those things are not really what are stimulating the criticism. The critics of Guantanamo Bay and the critics of the administration's detainee policy don't like the fact that we are holding people as enemy combatants in a war on terror and that we are keeping them outside of the criminal justice system. That won't change.

#### In fact, Guantanamo’s closing would lead to far worst conditions

Posner 13 (Eric, a professor at the University of Chicago Law School, is the co-author of "Terror in the Balance: Security, Liberty and the Courts.", The U.S needs Guantanamo, The New York Times, http://www.nytimes.com/roomfordebate/2012/01/09/guantanamo-10-years-later/the-us-needs-guantanamo)

If Guantánamo were closed, the U.S. military would need to hold those prisoners someplace else. As long as the U.S. uses military force in foreign countries and on the high seas, Guantánamo is necessary. To be sure, there are other options. Detainees could be placed in prison camps on foreign territory controlled by the U.S. military, where they lack access to U.S. courts and security is less certain. More than a thousand detainees are currently held at Bagram, in Afghanistan. Detainees could be turned over to foreign governments, where they are likely to be tortured. The Clinton administration took this approach. Or suspected terrorists could be killed with drone strikes rather than captured — which seems to be the de facto tactic of the Obama administration. For those who care about human rights, these options are hardly preferable to Guantánamo Bay.

#### Tactics mythical, Media blowing things out of proportion

Rodriguez 12 (Jose A., Jose A. Rodriguez, Jr, of Puerto Rican descent, was the Director of the National Clandestine Service (D/NCS) of the United States Central Intelligence Agency (CIA). He was the last CIA Deputy Director for Operations (DDO) before that position was expanded to D/NCS in December 2004., “Harsh terror interrogations were necessary, legal and effective,” Cable News Network. Turner Broadcasting System, Inc., May 10, 2012, <http://www.cnn.com/2012/05/10/opinion/rodriguez-interrogations-legal>). SS

As I detail in my new book: "Hard Measures, How Aggressive CIA Actions After 9/11 Saved American Lives," there are many myths surrounding the detention of a relatively small number of top terrorists at CIA-run "black sites" from 2002 until they were sent to Guantanamo Bay in 2006. The biggest myth is that the detainees were "tortured." Some of the stories coming out of Gitmo this past weekend simply state that as a fact. There is no "allegedly" attached to the allegation in these stories. About 30 out of the 100 or so detainees that the CIA held were subjected to some harsh treatment. But the Office of Legal Counsel in the Department of Justice assured us in writing that the treatment was specifically not torture. Arraignment for 9/11 suspects chaotic Many of the techniques were essentially bluffs -- designed to get the attention of a detainee and perhaps scare him -- but to cause no physical harm. Some of the stories this weekend talked of "years" of abusive treatment these detainees endured. In fact, the enhanced interrogation techniques (EITs) that CIA used were applied at most for only 30 days. On average, it was much less. Abu Zubaydah, the first detainee subjected to EITs, received them for less than three weeks. Mohammed's period of harsh -- but legal and necessary -- treatment was even less. The public impression, aided and abetted by the media, is that the practice of waterboarding was rampant. In fact, only three detainees: Mohammed, Zubaydah and one other were ever waterboarded, the last one more than nine years ago. Many of the stories this weekend repeated the assertion that Mohammed was waterboarded 183 times. But 183 is a count of the number of pours of water from a plastic water bottle. Mohammed told the International Committee of the Red Cross in 2007 that he had been waterboarded five times. If his story has now changed, it is only to match the media narrative. Some will say it doesn't matter how many times Mohammed was waterboarded -- the practice is brutal and must never be used. What goes unacknowledged is that in addition to the three terrorists, the United States has waterboarded tens of thousands of U.S. military personnel. If the practice is torture for the al Qaeda operative who masterminded the killing of three thousand Americans, why weren't there court-martials in the cases of those thousands of servicemen similarly treated as part of their training? There is no doubt that the detainees will try to use the legal proceedings as a soapbox to spout their contempt for America -- a contempt already indelibly displayed by such acts as ordering passenger jets to fly into iconic buildings or, in the case of Mohammed, personally beheading Wall Street Journal reporter Daniel Pearl. In my book, I detail the critical information we obtained from al Qaeda terrorists after they became compliant following a short period of enhanced interrogation. I have no doubt that that interrogation was legal, necessary and saved lives. It is good that these terrorists are now facing justice, but in the reporting of the case, it would be helpful if the media didn't help them with their propaganda mission by unquestioningly repeating false information about their detention.