# 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.

### 2NC Nonsense

ci-2nc allowed to argue new arg

answer their standards

**1. Fairness – I have to answer 13 minutes of negative arguments in 5 minutes of my 1AR.**

**2ac can spread out the 2nc too – perms and theory**

**Debate is strategy – we see the weakpoints of the 2ac and exploit it – that is why debate is a game – inevitably debaters are more nad less competent – calling something abusive based ont eh standard of dropping stuff is a bad standard**

**3. Strategy - No one gets to develop a strategy. The neg centers their entire strategy on hoping I drop stuff in my 1AR, and the aff just hopes to answer everything. This isn’t strategic and it destroys debate.**

**2nc foscuses on the substance of the 2ac**

**doesnt eliminate the 2AC speech – we answer the 2ac**

**time skew is inev and 2ac can time skew**

**they get aff choices by choosing what to extend from the 2ac and they choose the 1ac-they do pick the fw and we debate it**

**bad precedent**

**not a priori**

4. Abuse – When we have to spread through the 1AR, you’ll see what we’re talking about – this is the abuse we are seeking to end.

### Cred

**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.

**Soft power resilient—culture and political system**

**Nye 6** – IR Professor, Harvard (Joseph, 6/25, Why Do They Hate Us?, http://www.washingtonpost.com/wp-dyn/content/article/2006/06/22/AR2006062200972\_pf.html, AG)

Fortunately, even when the U.S. government's foreign policies are unattractive to others, our culture and our open political processes can produce a "meta" form of soft power -- winning grudging admiration for our freedoms at the same time that our policies are unpopular. After all, anti-American protests were rampant around the world during the Vietnam War, but the protesters did not sing "The Internationale"; they sang the American civil rights anthem "We Shall Overcome." Today, the fact that America remains democratic and self-critical, that its free press exposes governmental flaws and that the legislative and judicial branches can act against the executive, means that anti-American critics of U.S. foreign policies can still feel a residual attraction to our society.

**No Solvency—Obama won’t use soft power and multiple alt causes**

**Lagon 11**—CFR Fellow (Mark P. Lagon chairs and coordinates the International Relations and Security Concentration for the Master of Science in Foreign Service Program at Georgetown University. He teaches MSFS courses on Ethics in International Relations, and on the UN and Multilateral Politics. He is also Adjunct Senior Fellow for Human Rights at the Council on Foreign Relations. , 10/18/11, <http://www.isn.ethz.ch/isn/Current-Affairs/ISN-Insights/Detail?lng=en&id=133416&contextid734=133416&contextid735=133415&tabid=133415&dynrel=4888caa0-b3db-1461-98b9-e20e7b9c13d4,0c54e3b3-1e9c-be1e-2c24-a6a8c7060233>, “Soft Power Under Obama”, nkj)

One irony of the Obama presidency is how much it relies on hard power. The president came into office proposing a dramatic shift from George W. Bush’s perceived unilateralism, and most of his predecessor’s hard-edged counterterrorism tactics and massive deployments in wars abroad. Yet after three years, Obama has escalated forces in Afghanistan, embraced the widespread use of unmanned drones to kill terrorists at the risk of civilian casualties, kept Guantánamo open, and killed Osama bin Laden in Pakistan in a thoroughly unilateral fashion.

What he hasn’t accomplished to any great degree is what most observers assumed would be the hallmark of his approach to foreign affairs—a full assertion of the soft power that makes hard power more effective. His 2008 campaign centered on a critique of President Bush’s overreliance on hard power. Obama suggested he would rehabilitate the damaged image of America created by these excesses and show that the United States was not a cowboy nation. Upon taking office, he made fresh-start statements, such as his June 2009 remarks in Cairo, and embraced political means like dialogue, respectful multilateralism, and the use of new media, suggesting that he felt the soft power to change minds, build legitimacy, and advance interests was the key element missing from the recent US approach to the world—and that he would quickly remedy that defect.

Yet President Obama’s conception of soft power has curiously lacked the very quality that has made it most efficacious in the past—the values dimension . This may seem odd for a leader who is seen worldwide as an icon of morality, known for the motto “the audacity of hope” and his deployment of soaring rhetoric. Yet his governance has virtually ignored the values dimension of soft power, which goes beyond the tradecraft of diplomacy and multilateral consultation to aggressively assert the ideals of freedom in practical initiatives. The excision of this values dimension renders soft power a hollow concept.

The Obama presidency has regularly avoided asserting meaningful soft power, particularly in its relations with three countries—Iran, Russia, and Egypt—where it might have made a difference not only for those countries but for American interests as well. His reaction to the challenges these countries have posed to the US suggest that it is not soft power itself that Obama doubts, but America’s moral standing to project it.

Perhaps the most striking example of a lost opportunity to use moral soft power was in Iran. In March 2009, President Obama made an appeal in a video to Iran for a “new beginning” of diplomatic engagement. In April 2009, he said in an address in Prague that in trying to stem Iran’s nuclear arms efforts, his administration would “seek engagement with Iran based on mutual interests and mutual respect.” Two months later questions arose about President Ahmadinejad claiming victory over Mir Hussein Moussavi in the presidential election on June 12th. Within three days, there were large demonstrations in Tehran, Rasht, Orumiyeh, Zahedan, and Tabriz.

As Iranians took to the streets, Obama had to choose whether to associate the US with the protestors or preserve what he appeared to believe was a possible channel of dialogue with Ahmadinejad on Iran’s nuclear program. For several days, the American president deliberately refused to embrace the Green Movement swelling in Iran’s streets to protest a stolen election—reaching up to three million in Tehran alone. Temporizing, he said, “It is up to Iranians to make decisions about who Iran’s leaders will be. We respect Iranian sovereignty and want to avoid the United States being the issue inside of Iran.” But it was inevitable that the US would be scapegoated by Iranian leaders for meddling, even if it chose moral inaction. As Council on Foreign Relations President Richard Haass wrote in Newsweek seven months later: “I am a card-carrying realist on the grounds that ousting regimes and replacing them with something better is easier said than done. . . . Critics will say promoting regime change will encourage Iranian authorities to tar the opposition as pawns of the West. But the regime is already doing so. Outsiders should act to strengthen the opposition and to deepen rifts among the rulers. This process is underway . . . . Even a realist should recognize that it’s an opportunity not to be missed.”

Eventually, probably as a result of the influence of Secretary of State Hillary Clinton, whose opposition to Iran’s leadership she established as a senator, administration policy became more forthright. A year after the protests began, the president signed into law targeted sanctions on the Revolutionary Guard. Yet failing to clearly side with Ahmadinejad’s opponents in 2009 represented a serious loss of US credibility. It also failed to encourage the moral “change” that Obama had appeared to invoke during his campaign. Soft power and its ability to strengthen the protest movement was squandered.

Early and active US backing for a more unified opposition might have buoyed and strengthened the Green opposition and helped it to better take advantage of subsequent divisions in the regime: parliamentarians petitioning to investigate payoffs to millions of people to vote for Ahmadinejad, friction between Ahmadinejad and supreme leader Ayatollah Ali Khamenei, and efforts by the Revolutionary Guard to assert prevalence over politics.

By supporting the opposition in Iran through soft power, the administration would not only have associated the US with the aspirations of the people in the streets of Tehran but also advanced the objective of dislodging a potentially nuclear rogue state.

It is particularly ironic that Obama policy toward Russia should have eschewed the projection of soft power given that the NSC’s senior director for Russia and Eurasia, Michael McFaul, is the administration official most closely identified in his career with the cause of democracy promotion. In Advancing Democracy Abroad , published just last year, he writes, “The American president must continue to speak out in support of democracy and human rights. Shying away from the ‘d’ word . . . would send a terrible signal to the activists around the world fighting for human rights and democratic change. . . . American diplomats must not check their values at the door.” In the book, McFaul offers an ambitious vision linking values to stability for Russia and Eurasia: “In Eurasia, a democratic Russia could become a force for regional stability . . . not unlike the role that Russia played in the beginning of the 1990s. A democratic Russia seeking once again to integrate into Western institutions also would cooperate more closely with the United States and Europe on international security issues.”

But in its haste to “hit the reset button” on bilateral relations, the Obama White House ignored McFaul’s counsel. Instead of approaching the Russians with a set of firm moral expectations, the administration has courted President Medvedev as a counterweight to Putinism (missing the fact that rather than a countervailing force, Medvedev was, as noted in a US diplomatic cable released by WikiLeaks, Robin to Putin’s Batman). As events would show, Medvedev offered no real obstacle to Putin’s resumption of the presidency after a hiatus as prime minister to satisfy term limit laws. Nor, for that matter, is there any significant difference in policy between the Medvedev era and that which preceded it in terms of issues such as the occupation of Georgian territory, internal corruption, or silencing remaining independent media or business figures.

Instead of establishing a foundation of clear principles in his reset of relations with the Putin regime, President Obama has seen relations with Russia in terms of a larger picture of strategic arms control. He believes proliferators like Iran and North Korea can be restrained if the major nuclear powers reduce their stockpiles, in fealty to the premises of the 1968 Nuclear Non-Proliferation Treaty. Hence, the New START Treaty was his singular focus with Russia and the grounds for his appeasement of Putinism. He seems never to have considered asserting a soft power that would have signaled to Russian opposition figures like Boris Nemtsov—badly beaten in December 2010 after flying home from speaking in the US—that the US places little trust in bargains with leaders shredding the rule of law in their daily governance.

The Russian security state has chosen to cooperate with the US in a few areas it has concluded are in its own interest. It allowed passage of a watered-down UN Security Council resolution 1929, imposing sanctions on Iran for its nuclear program, and cancelled plans to sell the S-300 air defense system to the Ahmadinejad regime. It has also cooperated on counterterrorism and US military access to Afghanistan. Yet would the United States have been unable to secure this discrete cooperation without “checking our values at the door,” in Michael McFaul’s phrase?

The United States has achieved no cooperation from Russian leaders on issues such as the rule of law and an end to systematic intimidation and the arrests of opposition, press, and business figures, and indeed threats to American businesses’ private property rights and safety. Leaders of the Solidarity opposition movement continue to be detained, environmental nonprofits continue to be raided for trumped-up tax and software piracy irregularities, lawyer Sergei Magnitsky died in detention, and journalist Oleg Kashin was, like Boris Nemtsov, beaten.

There is no evidence of concerted bilateral pressure by the Obama administration to protest Russian unwillingness to protect freedoms for its citizens. The lack of linkage between “realist” hard-power issues (such as nonproliferation) and domestic values (such as the rule of law) has limited rather than increased US influence with Russia. The Carnegie Endowment’s Matthew Rojansky and James Collins rightly conclude: “If the United States erects an impenetrable wall between bilateral cooperation and Russia’s domestic politics, the Kremlin will simply conclude Washington is willing to give ground on transparency, democracy, and rule of law in order to gain Russian cooperation on nonproliferation, Afghanistan, and other challenges.” Indeed, in June 2011, the undeterred Russian regime barred Nemtsov’s People’s Freedom Party from running in the December 2011 parliamentary elections.

President Obama has selected Michael McFaul to be his ambassador to Russia. Sadly, dispatching the first non-diplomat in that role in three decades, not to mention a man whose vision of a just Russian policy for the US is at odds with the administration’s own practice, is unlikely to dislodge this values-free approach.

The underwriting of Hosni Mubarak long predates the Obama administration. The unconditional gift of massive annual aid for the 1979 Camp David Accords lasted thirty-one years, spanning the administrations of six US presidents. It left Mubarak to squash democracy initiatives at home and force a binary choice on American policymakers between the Egyptian ruler and Muslim Brotherhood Islamists. Yet both before and after Egyptians took to the streets early this year to call for Mubarak’s ouster, President Obama lost chances to exercise soft power in a way that might have conditioned the eventual outcome in Egypt.

The United States would have been much better poised to shape a transition and assist non-Islamist democrats in 2011 if the Obama administration had not cut democracy and governance aid in Egypt from $50 million in 2008 to $20 million in 2009 (to which Congress later restored $5 million). The outgoing Bush administration had cut economic aid for Egypt in the 2009 budget, but sustained democracy and governance programs. Urged by US ambassador to Egypt Margaret Scobey, the Obama administration cut those programs too. Cuts for civil society and NGOs were sharpest, from $32 million to $7 million in 2009. These steps made a mockery of Obama’s June 2009 Cairo speech offering to “turn a page” in US-Muslim engagement.

When the Egyptian people took to the streets to reject their leader as Tunisians just had, President Obama picked former ambassador to Egypt Frank Wisner as special crisis envoy. Reflecting what was actually the president’s position at the outset, Wisner said to an annual conference in Munich, “We need to get a national consensus around the pre-conditions for the next step forward. The president [Mubarak] must stay in office to steer those changes.” He also opined, “I believe President Mubarak’s continued leadership is critical—it’s his chance to write his own legacy.” This legacy was not a pretty thing as the Mubarak regime tried to resist the will of the Egyptian public with lethal force.

Echoing his response nineteen months earlier in Iran, President Obama asserted only that the United States was determined not to be central to the Egyptian story, however it evolved. When he saw which way the truth was blowing on the streets of Cairo, the president recalibrated. Watching these developments, which had far more to do with image than policy, Financial Times correspondent Daniel Dombey surmised: “So when the demonstrations began, the White House struggled to catch up, changing its message day by day until it eventually sided with the protesters against the government of Hosni Mubarak . . . Now, US officials suggest, the president has finally embraced his ‘inner Obama’ . . . The White House has also indulged in a little spinning, depicting the president as a decisive leader who broke with the status quo view of state department Arabists.”

In the March 2011 referendum on amendments to the Egyptian Constitution, forty-one percent of the Egyptian public turned out and backed the amendments by a seventy-seven percent tally. The leaders of the anti-Mubarak protests and leading presidential candidates Mohamed ElBaradei and Amr Moussa had urged Egyptians to turn out and reject the amendments, drafted by lawyers and judges picked by Egypt’s military rulers, in favor of a whole new constitution limiting expansive presidential powers. The Muslim Brotherhood backed the amendments, perhaps hoping to benefit from winning strong executive power. The “inner Obama” failed to place America squarely behind the relatively weak non-Islamist forces in Egyptian civil society when it would have counted.

Despite large economic challenges, two protracted military expeditions, and the rise of China, India, Brazil, and other new players on the international scene, the United States still has an unrivaled ability to confront terrorism, nuclear proliferation, financial instability, pandemic disease, mass atrocity, or tyranny. Although far from omnipotent, the United States is still, as former Secretary of State Madeleine Albright called it, “the indispensible nation.” Soft power is crucial to sustaining and best leveraging this role as catalyst.

That President Obama should have excluded it from his vision of America’s foreign policy assets—particularly in the key cases of Iran, Russia, and Egypt—suggests that he feels the country has so declined, not only in real power but in the power of example, that it lacks the moral authority to project soft power. In the 1970s, many also considered the US in decline as it grappled with counterinsurgency in faraway lands, a crisis due to economic stagnation, and reliance on foreign oil. Like Obama, Henry Kissinger tried to manage decline in what he saw as a multipolar world, dressing up prescriptions for policy as descriptions of immutable reality. In the 1980s, however, soft power played a crucial part in a turnaround for US foreign policy. Applying it, President Reagan sought to transcend a nuclear balance of terror with defensive technologies, pushed allies in the Cold War (e.g., El Salvador, Chile, Taiwan, South Korea, and the Philippines) to liberalize for their own good, backed labor movements opposed to Communists in Poland and Central America, and called for the Berlin Wall to be torn down—over Foggy Bottom objections. This symbolism not only boosted the perception and the reality of US influence, but also hastened the demise of the USSR and the Warsaw Pact.

For Barack Obama, this was the path not taken. Even the Arab Spring has not cured his acute allergy to soft power. His May 20, 2011, speech on the Middle East and Northern Africa came four months after the Jasmine Revolution emerged. His emphasis on 1967 borders as the basis for Israeli-Palestinian peace managed to eclipse even his broad words (vice deeds) on democracy in the Middle East. Further, those words failed to explain his deeds in continuing to support some Arab autocracies (e.g., Bahrain’s, backed by Saudi forces) even as he gives tardy rhetorical support for popular forces casting aside other ones.

To use soft power without hard power is to be Sweden. To use hard power without soft power is to be China. Even France, with its long commitment to realpolitik, has overtaken the United States as proponent and implementer of humanitarian intervention in Libya and Ivory Coast. When the American president has no problem with France combining hard and soft power better than the United States, something is seriously amiss.

**Soft power fails—no regulation, exaggeration—hard power is superior—Turn: blowback kills cooperation**

**Gray 2011 –** Professor of International Politics and Strategic Studies at the University of Reading, England. (Colin S., April, “HARD POWER AND SOFT POWER: THE UTILITY OF MILITARY FORCE AS AN INSTRUMENT OF POLICY IN THE 21ST CENTURY.” Published by Strategic Studies Institute DY)

Soft power is potentially a dangerous idea not because it is unsound, which it is not, but rather for the faulty inference that careless or unwary observers draw from it. Such inferences are a challenge to theorists because they are unable to control the ways in which their ideas will be interpreted and applied in practice by those unwary observers. Concepts can be tricky. They seem to make sense of what otherwise is intellectually undergoverned space, and thus potentially come to control pliable minds. Given that men behave as their minds suggest and command, it is easy to understand why Calusewitz identified the enemy’s will as the target for influence. Beliefs about soft power in turn have potentially negative implications for attitudes toward the hard power of military force and economic muscle.

Thus, soft power does not lend itself to careful regulation, adjustment, and calibration. What does this mean? To begin with a vital contrast: whereas military force and economic pressure (negative or positive) can be applied by choice as to quantity and quality, soft power cannot. (Of course, the enemy/rival too has a vote on the outcome, regardless of the texture of the power applied.) But hard power allows *us* to decide how we will play in shaping and modulating the relevant narrative, even though the course of history must be an interactive one once the engagement is joined. In principle, we can turn the tap on or off at our discretion. The reality is apt to be somewhat different because, as noted above, the enemy, contingency, and friction will intervene. But still a noteworthy measure of initiative derives from the threat and use of military force and economic power. But soft power is very different indeed as an instrument of policy. In fact, I am tempted to challenge the proposition that soft power can even be regarded as one (or more) among the grand strategic instruments of policy.

The seeming validity and attractiveness of soft power lead to easy exaggeration of its potency. Soft power is admitted by all to defy metric analysis, but this is not a fatal weakness. Indeed, the instruments of hard power that do lend themselves readily to metric assessment can also be unjustifiably seductive. But the metrics of tactical calculation need not be strategically revealing. It is important to win battles, but victory in war is a considerably different matter than the simple accumulation of tactical successes. Thus, the burden of proof remains on soft power: (1) What is this concept of soft power? (2) Where does it come from and who or what controls it? and (3) Prudently assessed and anticipated, what is the quantity and quality of its potential influence? Let us now consider answers to these questions.

7. Soft power lends itself too easily to mischaracterization as the (generally unavailable) alternative to military and economic power.

The first of the three questions posed above all but invites a misleading answer. Nye plausibly offers the co-option of people rather than their coercion as the defining principle of soft power. The source of possible misunderstanding is the fact that merely by conjuring an alternative species of power, an obvious but unjustified sense of equivalence between the binary elements is produced. Moreover, such an elementary shortlist implies a fitness for comparison, an impression that the two options are like-for-like in their consequences, though not in their methods. By conceptually corralling a country’s potentially attractive co-optive assets under the umbrella of soft power, one is near certain to devalue the significance of an enabling context.

Power of all kinds depends upon context for its value, but especially so for the soft variety. For power to be influential, those who are to be influenced have a decisive vote. But the effects of contemporary warfare do not allow recipients the luxury of a vote. They are coerced. On the other hand, the willingness to be coopted by American soft power varies hugely among recipients. In fact, there are many contexts wherein the total of American soft power would add up in the negative, not the positive. When soft power capabilities are strong in their values and cultural trappings, there is always the danger that they will incite resentment, hostility, and a potent “blowback.” In those cases, American soft power would indeed be strong, but in a counterproductive direction. These conclusions imply no criticism of American soft power per se. The problem would lie in the belief that soft power is a reliable instrument of policy that could complement or in some instances replace military force.

8. Soft power is perilously reliant on the calculations and feelings of frequently undermotivated foreigners. The second question above asked about the provenance and ownership of soft power. Nye correctly notes that “soft power does not belong to the government in the same degree that hard power does.” He proceeds sensibly to contrast the armed forces along with plainly national economic assets with the “soft power resources [that] are separate from American government and only partly responsive to its purposes.” Nye cites as a prominent example of this disjunction in responsiveness the fact that “[i]n the Vietnam era . . . American government policy and popular culture worked at cross-purposes.”40 Although soft power can be employed purposefully as an instrument of national policy, such power is notably unpredictable in its potential influence, producing net benefit or harm. Bluntly stated, America is what it is, and there are many in the world who do not like what it is. The U.S. Government will have the ability to project American values in the hope, if not quite confident expectation, that “the American way” will be found attractive in alien parts of the world. Our hopes would seem to be achievement of the following: (1) love and respect of American ideals and artifacts (civilization); (2) love and respect of America; and (3) willingness to cooperate with American policy today and tomorrow. Admittedly, this agenda is reductionist, but the cause and desired effects are accurate enough. Culture is as culture does and speaks and produces. The soft power of values culturally expressed that others might find attractive is always at risk to negation by the evidence of national deeds that appear to contradict our cultural persona.

### ILaw

**Nations won’t follow i-law**

**McGinnis, law prof, 9**—Stanford Clinton, Sr. Professor of Law, Northwestern University School of Law (John and Ilya Somin-assistant law prof, George Mason, Democracy and International Human Rights Law, April 2009, 84 Notre Dame L. Rev. 1739, Lexis, AMiles)

Besides the influence of nondemocratic states, there is another more fundamental problem that contributes to the democracy deficit of multilateral international human rights treaties: the assent of many democratic nations to multilateral human rights treaties is cheap talk, insofar as that assent does not commit them to making the provisions of those treaties a part of their domestic law. Nations that have dualist systems with respect to international law do not make such commitments. In dualist systems, international legal obligations are separate from domestic legal obligations and do not displace contrary domestic law without action by the government to incorporate international law into domestic legislation. 112 Thus, even democratic ratification by dualist nations does not show that its citizens and legislators wish to have international law enforced without additional intermediate steps. 113 Many, if not most, legal systems are dualist with respect to international law. 114 For instance, the United Kingdom has a dualist system, and Commonwealth nations, which compose a substantial proportion of the world's democracies, follow the lead of their former sovereign. 115 By contrast, treaties signed by nations with monist legal systems may be incorporated into domestic law once they have been concluded without further legislation. 116 But even some monist nations have complex structures through which treaties ratified as a matter of international law must pass before they will be given domestic [\*1770] effect. 117 Others, while nominally giving treaties domestic effect, do not readily permit their courts to enforce those that seem vague or aspirational. 118 As a result, the number of nations whose judiciaries actually enforce multilateral human rights treaties as rules of decision that set aside their own law seem relatively few in number. 119 The United States does not enforce treaties unless they are deemed self-executing, as the recent case of Medellin v. Texas demonstrates. 120 The political branches must intend that a treaty be given direct effect in our domestic jurisprudence. Otherwise it will be deemed non-self-executing and fail to create binding federal law. 121 The U.S. Senate has declared all the provisions in our human rights treaties to be non-self-executing. 122 Beyond these important doctrinal points lie functional reasons for refusing to give these treaties direct domestic effect. Nations have many reasons for declining to implement the international rules of treaties without first subjecting them to domestic legislative processes. They may regard international law, particularly when human rights are involved, as aspirational. 123 Or they may believe that the international rules are too vague or open-ended to be given automatic effect. 124 Whatever their reasons, when nations do not agree to have international law trump their own law, international law is, in economic terms, cheap talk, and is a less plausible source of norms to displace those norms to which a democratic nation actually agrees to be bound. 125 [\*1771] Thus, norms created by multilateral agreements are unlikely to be as beneficial as those created by democratic domestic political processes. The democracy deficit of multilateral agreements may be most self-evident when authoritarian and totalitarian nations participate in their formation. But on closer inspection, the even more important point is the attenuated nature of most nations' agreement to these norms. The refusal to give treaties domestic force detracts from the clarity, force, and perhaps the sincerity of the commitment to the norms embodied in them. 126

**The lack of guidelines in international law allows judges to impose their own personal views into law**

**Connecticut Law Review – December 2005** (Ernesto J. Sanchez – graduate of U Penn Law School, 2004, “A Case Against Judicial Internationalism,” 38 Conn. L. Rev. 185)

B. Reference to Non-United States Legal Authorities can Never be Consistent Originalism, however, is certainly not the only theory of constitutional interpretation to which judges adhere. Although he is one of the most prominent, if not the single most prominent, originalist legal scholars today, Robert Bork proposed seven reasons why originalism might [\*220] make one uncomfortable: . "Original understanding is unknowable" . The belief that "the Constitution must change as society changes" . "The claim that there is no real reason the living should be governed by the dead" . The view that there is no basis for continuing loyalty to the Constitution as law . The idea that constitutional interpretation is by nature a subjective process that makes the Constitution essentially into what "judges say it is" . The belief that originalism's claim to political neutrality is a "pretense since the choice of that philosophy is itself a political decision" . "The impossibility of clause-bound interpretivism," or the claim that the "law of the Constitution commands judges to find rights that are not specified in the Constitution." 184 In the spirit of these criticisms, and especially in the spirit of the second one, perhaps Chief Justice Warren's conception of the Eighth Amendment best highlights a more pragmatic perspective antithetical to originalism: the Constitution must "draw its meaning from the evolving standards . . . that mark the progress of a maturing society." 185 Can foreign laws concerning a particular issue, then, effectively measure such progress? Using foreign or international law in constitutional interpretation affecting purely domestic issues should even concern someone who advocates this more flexible approach to adjudication. There exists no framework for what sort of foreign sources or what country's perspectives a court should consider when it wishes to utilize such tools in evaluating such matters. If courts are to refer to foreign legal principles and non-binding treaties in resolving domestically oriented disputes, then, the general absence of any sort of guideline as to how to implement such an approach, in statutory or case law, allows judges to mold their own personal views into law. The situation's implications are simple, as two hypothetical scenarios will illustrate. Because an exhaustive reference to what every country's laws have to say on a subject is impractical, the temptation for a judge to use foreign materials selectively in order to support a specific outcome will be too great. One should note that as flexible or pragmatic or as liberal as one may view the non-originalist approach Trop exemplified, the decision still referred to the Eighth Amendment as a sort of philosophical base. 186 Its meaning may have evolved, but the basic textual guidelines were still applicable. [\*221] In contrast, there exists no such "base" principle from which to determine what foreign laws to use in constitutional interpretation. The Court's internationalist decisions illustrate no distinct method by which to utilize such sources. 187 This lack of guidance simply allows too much of an opportunity for the judge who wishes to pick and choose precedents according to the particular outcome he desires, instead of applying the neutral, generally accepted set of legal principles that the Court has itself acknowledged is crucial to its legitimacy. 188 The result of a case will consequently not depend on such principles, but on a judge's own personal preferences as to policy and the like. And any result will likely be possible because of foreign legal literature's vastness -- a simple situation of basically finding the right sources so that the message that a judge wants to send is sent.

**No super-power draw in—converging interests**

**Kaye 10**—Senior political scientist, RAND. CFR member and former prof at George Wash. PhD in pol sci from UC Berkeley—AND—Frederic Wehrey—Senior analyst at RAND. Former Georgetown prof. D.Phil. candidate in IR, Oxford. Master’s in near Eastern studies, Princeton—AND—Jeffrey Martini—Middle East research project associate at RAND. Master’s in Arab studies at Georgetown (Dalia Dassa, The Iraq Effect, Report Prepared for the Air Force, http://www.rand.org/pubs/monographs/2010/RAND\_MG892.pdf)

Continue the policy of encouraging responsible stakeholder involve- ment from China and, to the extent possible, Russia; harness these countries’ respective niche interests to promote regional economic growth and stability. In the same vein, the U.S. should avoid alarmist reactions to Chinese or Russian influence in the region, particularly their economic activi- ties, because many of these activities are more likely to complement, rather than supplant, U.S. regional interests. For example, China and the United States have a strong converging interest in creating a stable regional security order conducive to the flow of the region’s oil and gas. U.S. policy should also distinguish among extraregional powers’ pur- suit of their economic interests and more-aggressive attempts to move the regional system toward multipolarity, which is a greater concern in the case of Russia than China.

**International law is unclear and unreliable – this is an open invitation for circumvention**

**Rabkin** – Professor of Government at Cornell – **Fall 2006** (Jeremy, Harvard Journal of Law & Public Policy, “American Self-Defense Shouldn’t be too Distracted by International Law,” Heinonline)

By contrast, the modern term “international law” sounds much more specialized and precise than the “law of nature.” Legal studies are divided into subjects like “labor law,” “tax law,” and “contract law.” International law is often referred to as if it were one more well‐defined body of distinctive rules and procedures. There are specialized treatises and textbooks on international law similar to those in other subjects. Law schools do not, in the same way, provide first or second year law students with general courses or special case books on “the law of nature,” which seems too vague or speculative for the training of practicing lawyers.

The change in nomenclature appears to have been made quite deliberately. The new term, “international law,” was coined in 1789 by the English legal reformer Jeremy Bentham.8 Bentham wanted to emphasize that international law had nothing to do with natural law or with principles common to legal systems in many different nations. He complained that the term “law of nations” might be taken “to refer to internal jurisprudence,” whereas the new term would clarify that it was only concerned with “mutual transactions between sovereigns.”9 Having narrowed the subject in this way, Bentham then offered very little comment on the substance of this specialized law—presumably because he did not think there were many clear standards of obligation from one state to another.

Because “international law” has the same verbal form as “contract law” or “patent law,” it is easy to fall into the trap of assuming that it has the same clarity or reliability as other kinds of law. Until quite recently, however, international law had a very vulnerable and questionable status.10 If one looks at actual treatises on international law in the nineteenth century and down to quite recent times, one almost always finds an initial discussion of an apologetic nature, trying to address doubts about whether international law should truly be considered real law.11 Yet critics who protest that the Bush administration has “defied international law” in its war policies speak as though international law has now achieved a degree of clarity, precision, and reliability that it never used to have. How could that be so? There is still no international legislature to declare or elaborate international legal standards. There is still no reliable means of interpreting or enforcing most standards that do exist.

Skepticism toward international law did not begin with the Bush administration. It can be traced back through the entire history of American diplomacy. The American Founders did not have high expectations for international law.12 The Constitution was drafted before the new term had come into use, so it still refers to the “law of nations.”13 In context, the reference implies that the relevant “law” is too uncertain to be recognized by American courts without action by the American legislature. At  the constitutional convention in Philadelphia, there was a direct challenge to this provision, on the ground that no one legislature could “define” for itself the content of “the law of nations.”14 The challenge was met with the counter‐argument that the relevant “law” here was too vague, in many areas, to provide reliable standards without such unilateral legislative clarifications.15 The Constitution does include “treaties” within the “supreme Law of the Land,”16 but it does not, in this connection, mention customary law or any other aspects of the general “law of nations.” Even the supremacy given to treaties does not place them on a higher plane than ordinary legislative enactments at the federal level. The implication, repeatedly embraced by the Supreme Court, is that an ordinary federal statute will supersede the most solemn treaty commitment if the statute is enacted after the ratification of the treaty.17

Turning from the text of the Constitution to what the Founders said in its defense, it is clear that the limited provision for “international law,” as it is now known, was not an oversight. For a number of reasons, the Founders cautioned against placing great trust or hope in international law.18 The Federalist did not miss the implications for what is now called international law. In fact, The Federalist No. 15 begins by invoking the obvious failings of international treaty schemes to prove that the  American states will not reliably cooperate unless placed under a common government with full governing powers. In Europe, “all the resources of negotiation were exhausted” in arranging elaborate treaty schemes for “establishing the equilibrium of power, and the peace of that part of the world,” but these schemes were “scarcely formed before they were broken . . . .”19 The Federalist No. 15 cites this experience as “an instructive, but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith . . . .”20 The same discussion concedes that there is “nothing absurd or impractical” in an “alliance between independent nations . . . for certain defined purposes precisely stated in a treaty; regulating all the details of time, place, circumstance, and quantity . . . .”21 It cautions, however, that even more focused “compacts” of this kind, which “exist among all civilized nations,” are “subject to the usual vicissitudes of peace and war; of observance and non‐observance, as the interests or passions of the contracting Powers dictate.”22

#### Shows of good faith won’t create trust

Christopher Layne (Associate Professor in the Bush School of Government and Public Service at Texas A&M University) 2006 “The Peace of Illusions” p 142

Finally, just because the United States is a democracy doesn't mean that others won't fear its hegemonic power. When important geopolitical interests are on the line, realpolitik, not regime type, determines great power policies. The fact that U.S. power is unbalanced—and that Washington is so little constrained—means that, whenever it believes its interests dictate, the United States can throw the purported constrictures of democratic benevolence out the window and act as hegemon typically have acted. Indeed, since the end of the cold war, the nature, and scope, of America's hegemonic ambitions have become increasingly apparent even to its liberal democratic allies. The post cold war policies of the United States have caused other states to have second thoughts about whether it really is a status quo power. And the fact that the United States is a democratic hegemon does nothing to cause nondemocratic states (either second-tier major powers or lesser-ranking regional powers) to regard the United States as a benevolent hegemon.

#### Regionalism’s coming now – solves the impact to multilat

Krishnan Srinivasan, "International Conflict and Cooperation in the 21st Century," THE ROUND TABLE v. 98 n. 400, 2009, pp. 37-47.

The new world order of the ﬁrst half of the present century will be one of peaceful mutual accommodation between the big powers located in the East and West, North and South. The priority for these powers will be for economic progress and regional order, with defence expenditure being used to build technological capacity for deterrence against the other big powers and as an enabler for their self-appointed but globally recognized role as regional enforcers. In this neo-Hobbesian world system, the lesser states will come to their own bilateral arrangements with the local regional hegemon upon whom they will be dependent not only for their security but for economic, technical and trading facilitation. Some of these lesser entities will enjoy economic prosperity, depending on their ability to maintain internal cohesion, to turn globalization to their advantage, and to control the socio-economic consequences of climate change, but they will not be able to mount a challenge to the hierarchical nature of international society. They will have far greater recourse to the United Nations than the major powers, who will prefer to apply unilateral methods with the connivance and consent of their peers. The debate between Westphalian national sovereignty and the right to intervene to breach the sovereignty of other states on the grounds of preventing threats to international peace and security will not be resolved. Political and economic inequality between nations will be drawn in ever sharper focus. Regional institutions will be dominated by the local big power. Reform of the United Nations will be incomplete and unappealing to the vast majority of member states. The world’s hegemonic powers will lose faith in the Security Council as an effective mechanism to deliberate issues of peace and security. World bodies will be used for discussion of global issues such as the environment and climate change, pandemic disease, energy and food supplies, and development, but resulting action will primarily devolve on the big powers in the affected regions. This will particularly be the case in the realm of peace and security in which only the regional hegemon will have the means, the will and the obligation, for the sake of its own status and security, to ensure resolution or retribution as each case may demand. Even in a globalized world, regional and local action will be the prime necessity and such action will be left to the power best equipped to understand the particular circumstances, select the appropriate remedy and execute the action required to administer it. Conﬂict will be contained and localized. There will be no menace of war on a world-wide scale and little fear of international terrorism. Private-enterprise terrorist actions will continue to manifest political, social and economic frustrations, but they will be parochial, ineffective and not state-sponsored. There will be far less invocation of human rights in international politics, since these will be identiﬁed with a western agenda and western civilization: there will be an equal recognition of community rights and societal values associated with Eastern and other traditions. Chinese artists, Indian entrepreneurs, Russian actors, Iranian chefs, South African song-writers and Brazilian designers will be household names; models on the fashion cat-walk and sporting teams from all major countries will be distinctly multi-racial, reﬂecting the immigration to, but also the purchasing power of, the new major powers. National populations will show evidence of mixed race more than ever before in history. Climate change will be an acknowledged global challenge and all countries, led by the regional hegemons, will undertake binding restraints on carbon emissions. The world will become acutely conscious of the essentiality of access to fresh water. The pace of technological innovation will accelerate at dizzying speed, further accentuating inequalities. There will be very rapid steps taken to develop alternative sources of energy in the face of dwindling and costly oil supplies. Western industrialized nations, to remain competitive, will vacate vast areas of traditional manufacturing in favour of new technologies and green engineering. The world will be a safer and stable place until one of the hegemons eventually develops an obvious ascendancy ﬁrst regionally, then continentally and ﬁnally globally over all the others.

#### And legitimacy failure preserves the trend towards regionalism – shows of American good faith only result in soft-balancing

Michael J. Mazarr, Professor, National Security Strategy, U.S. National War College, "The Risks of Ignoring Strategic Insolvency," WASHINGTON QUARTERLY v. 35 n. 4, Fall 2012, p. 14-15.

Diplomacy increasingly fails. A parallel risk has to do with the ebbing force of U.S. diplomacy and influence. International power is grounded in legitimacy, and in many ways it is precisely the legitimacy of the leading power’s global posture that is under assault as its posture comes into question. Historically, rising challengers gradually stop respecting the hegemon’s right to lead, and they begin to make choices on behalf of the international community, in part due to strategies consciously designed to frustrate the leading power’s designs. Germany, under Bismarck and after, is one example: It aspired to unification and to its ‘‘rightful place’’ as a leading European power as its power and influence accumulated, its willingness to accept the inherent legitimacy of the existing order as defined by other states, and the validity and force of their security paradigms, declined proportionately. At nearly all points in this trajectory, German leaders did not seek to depose the international system, but to crowd into its leadership ranks, to mute the voices of others relative to its own influence, and to modify rather than abolish rules.¶ We begin to see this pattern today with regard to many emerging powers, but especially of course, China’s posture toward the United States.31 As was predicted and expected in the post-Cold War context of growing regional power centers, the legitimacy of a system dominated by the United States is coming under increasing challenge. More states (and, increasingly, non-state actors) want to share in setting rules and norms and dictating outcomes.¶ The obvious and inevitable result has been to reduce the effectiveness of U.S. diplomacy. While measuring the relative success of a major power’s diplomacy over time is a chancy business (and while Washington continues to have success on many fronts), the current trajectory is producing a global system much less subject to the power of U.S. diplomacy and other forms of influence. Harvard’s Stephen Walt catalogues the enormous strengths of the U.S. position during and after the Cold War, and compares that to recent evidence of the emerging limits of U.S. power. Such evidence includes Turkey’s unwillingness to support U.S. deployments in Iraq, the failure to impose U.S. will or order in Iraq or Afghanistan, failures of nonproliferation in North Korea and Iran, the Arab Spring’s challenges to long-standing U.S. client rulers, and more.32 As emerging powers become more focused on their own interests and goals, their domestic dynamics will become ever more self-directed and less subject to manipulation from Washington, a trend evident in a number of major recent elections.¶ Washington will still enjoy substantial influence, and many states will welcome (openly or grudgingly) a U.S. leadership role. But without revising the U.S. posture, the gap between U.S. ambitions and capabilities will only grow. Continually trying to do too much will create more risk of demands unmet, requests unfulfilled, and a growing sense of the absurdity of the U.S. posture. Such a course risks crisis and conflict. Similarly, doubt in the threats and promises underpinning an unviable U.S. security posture risks conflict: U.S. officials will press into situations assuming that their diplomacy will be capable of achieving certain outcomes and will make demands and lay out ultimatums on that basis only to find that their influence cannot achieve the desired goals, and they must escalate to harsher measures. The alternative is to shift to a lesser role with more limited ambitions and more sustainable legitimacy.

#### The plan won’t lead to effective multilateralism

Ana Palacio, a former Spanish foreign minister and former senior vice president of the World Bank, is a member of the Spanish Council of State, “The U.S. suffers from strategic blindness”, 11-7-13, <http://www.dailystar.com.lb/Opinion/Commentary/2013/Nov-07/237017-the-us-suffers-from-strategic-blindness.ashx#ixzz2kNblgrQo>, CMR

That is all the more true given that the nature of such problems has also changed. America, like the rest of us, is vulnerable to climate change, pandemics and terrorism – challenges that require coordinated global solutions. For the U.S., however, the utility of multilateralism is purely situational. Above all, multilateralism is never preferable to a “good” bilateral solution – a view that has reinforced behavior that undermines, rather than strengthens, the capacity for effective international action. Indeed, always ready to negotiate treaties but rarely prepared to sign – and even less likely to ratify – them, the U.S. remains absent from such key global agreements as the Kyoto Protocol, the Mine Ban Treaty, and the U.N. Convention on the Law of the Sea. Its inspired creativity and support in building formal institutions like the United Nations and World Bank has given way to a predilection for weak, informal and ad hoc groupings, such as the various G-somethings and “coalitions of the willing.” Establishing effective multilateralism requires an emphasis on rules and institutions that facilitate coordination. The recent decision by the U.S. to sign the Arms Trade Treaty could be a good start – if only Congress could marshal the bipartisan support needed to ratify it. But scattered moves in the right direction will not suffice. What is really needed is a change in vision and mentality – a shift from viewing multilateralism as a tactic to embracing it as a strategic imperative.

### CMR

**Empirically denied by 200 years**

**Peabody 1 –** Lieutenant Colonel in the U.S. Army, 4-10-1 (John, “The ‘Crisis’ in American Civil Military Relations: A Search for Balance Between Military Professionals & Civilian Leaders,” USAWC Strategy Research Project, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA390551&Location=U2&doc=GetTRDoc.pdf)

Alarmists, who have attempted to examine the nature of current civil-military relations and the basis for military subordination to civilian control have generally started with the development of the national security state after World War II (Kohn), followed by the traumatic social upheavals of the Vietnam War (Feaver). Some even go back to the Civil War (Weigley). However, examples of significant civil-military turmoil are not limited to the dramatic and oft-cited Truman-MacArthur example, but permeate **the entire American history**. Cases include Andrew Jackson's martial law over New Orleans in the War of 1812, the popular protests against the Mexican American War, draft riots and other Civil War protests, Lincoln's suspension of civil liberties, including habeas corpus, military control of the South during Reconstruction, Sherman's disagreements on Indian policy after the Civil War, and significant involvement by military professionals in running governments in various countries in the twentieth century, including Cuba, the Philippines, Nicaragua, Haiti, Panama, and the Dominican Republic. Twentieth century examples include the remarkable presidential bid on the Republican ticket by active duty General Leonard Wood in 1920, Billy Mitchell's overt challenge to civilian authority, the crushing of the bonus marchers in 1932, the Admiral's revolt of the late 1940s, Army resistance to Eisenhower's Doctrine of Massive Retaliation, and periodic instances of general officers being fired for repudiating presidential authority, such as General Singlaub's removal over President Carter's proposed Korea withdrawal in the late 1970s. Thus, despite some considerable efforts at broader consideration of the historical record,48 few studies consider the broad pantheon of civil-military discourse and disruption common to the American experience. Placing the ideal of military subordination to civilian control in a more retrospective context will help correct the alarmists' inaccurate assumptions of what constitutes appropriate military behavior, and aid us in better understanding the limits of the alarmists' arguments.

**CMR tension is inevitable but there’s no impact**

**Peabody 1 –** Lieutenant Colonel in the U.S. Army, 4-10-1 (John, “The ‘Crisis’ in American Civil Military Relations: A Search for Balance Between Military Professionals & Civilian Leaders,” USAWC Strategy Research Project, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA390551&Location=U2&doc=GetTRDoc.pdf)

While the alarmists are incorrect in important aspects regarding the tradition of civil-military relations, their concerns have had the positive benefit of starting a serious debate and deeper examination over the nature and current condition of American dvil-milrtary relations. Fortunately, this debate has sparked a deeper examination of American civil-military history and tradition that illuminates a more balanced judgment of their current status, and helps guide us in outlining some considerations for what characterizes truly appropriate civil-military relations. Even some of the alarmists have suggested the need for "restoring the tradition of loyal dissent,\*7\* yet the general tone the alarmists sounded is inaccurate, as the TISS Study indicates: "Beyond [normal] tensions and conflicts, we see no real signs of crisis, no indicators of loss of effective civilian control nor of undue influence by military leaders in decisions properly the domain of elected or appointed political leaders."\*0 Indeed. Don Snider makes a key point that signs of discord indicate there is a stark, but potentially healthy tension between the two imperatives and the character and ethos of their respective cultures ... between freedom and individualism ... and the corporate nature of the military that demand sacrifice ... to the higher good of the mission. ...Not all observed gaps are dangerous; at the same time, not all convergences between the two cultures are functional and thus desirable."1 Whatever the origins of and solutions to the currenl schisms, it is important to understand that they represent the necessary and inevitable tension in the fundamentally contradictory nature of civil-military relations in a democratic society. Furthermore, these problems are neither unique to the dawning twenty-first century, nor do they portend gloomy civil-military relations in the future, as some of the alarmists depict. Reduced civilian defense expertise and the increased insertion of military officers into the national security bureaucracy to deal with policy issues has expanded the limits of military participation in policy-making far beyond the mythical notion of the alarmists.

# 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.

### FX T

#### Best scholarship agrees “effects” based arguments are stupid

Baldwin 85 – David A., Professor of World Order Studies and Political Science at Colombia, Economic Statecraft, p. 33-36

Alternative Concepts As with policy options, the value of a particular conceptualization is best measured by comparing it with available alternatives. Whereas economic statecraft is defined in terms of means, alternative concepts are usually defined in terms of actual or intended effects of a policy or in terms of the process by which the policy was made. Foreign Economic Policy The term "foreign economic policy" is sometimes used in much the same way as "economic statecraft" is used here. Other uses, however, should be noted. Benjamin Cohen and Robert Pastor define it in terms of governmental actions intended to affect the international economic environment.17 An important drawback to this conception is that it makes it definitionally impossible to consider foreign economic policy as an option when a statesman wants to affect the noneconomic aspects of the international environment, say the international climate of opinion with respect to the legitimacy of the government of Rhodesia. Rational adaptation of means to ends in foreign policy making is not facilitated by defining some policy options in terms of particular ends. Still another objection to this definition is that it says nothing about the means to be used, thus leaving open the possibility that the use of noneconomic techniques, such as threats of violence, could be considered foreign economic policy. Such a possibility strays needlessly from common usage. I. M. Destler offers a definition of “foreign economic policy” in terms of the actual impact of governmental actions on foreign and economic concerns. This definition implies nothing whatever about either the means used or the effect intended; instead it focuses on the actual effects— intended or not. Thus, a nuclear war could be labeled as “foreign economic policy” if it had important side effects on foreign economic matters. Any conception of foreign economic policy that cannot differentiate between nuclear attack and trade restrictions is hopelessly at odds with common usage. Any conception of “policy” that ignores both means and ends is unlikely to be of much use in assessing the rationality of a given policy. International Economic Policy Stephen D. Cohen argues that the term "international economic policy" is preferable to the more commonly used phrase, "foreign economic policy." He contends that "international economic policy must be viewed as being a separate phenomenon, not a tool for use by either foreign policy or domestic economic policy officials." The reasons underlying Cohen's position can be summarized as follows: (1) "International economic policy" is the "preferable term because . . . policy making in this area must take account of too many questions of domestic. . . policy to be considered 'foreign.' " (2) "The term 'foreign economic policy' usually connotes a subdivision of foreign policy as a whole and is therefore an oversimplification." And (3) acceptance of international economic policy as a distinct policy area is the "best and quickest way" to improve understanding of the "forces of economics in international economic policy" and of "the global political impact of U.S. international economic policy."19 The following points, however, should be noted in response to Cohen's position: (1) Foreign policy has traditionally been defined in terms of attempts to influence foreigners, not in terms of the factors that should be taken into account in formulating the policy. The fact that making international economic policy requires consideration of foreign and domestic political and economic factors in no way distinguishes it from traditional conceptions of foreign economic policy. (2) It is not self-evident that treating foreign economic policy as a subdivision of foreign policy as a whole constitutes "oversimplification." Cohen provides little evidence or argument to support this contention. Indeed, from an a priori standpoint, it would seem simpler to consider international economic policy by itself than to treat it as part of a larger whole. Treating more variables may lead to overcomplexity, but it rarely leads to oversimplification. And (3) the question of whether Cohen's approach is the "best and quickest way" to enhance understanding is best answered after consideration of alternative At least three common meanings of the term “economic sanctions” may be identified. The first is a rather narrow concept referring to the use of economic measures to enforce international law. The second refers to the types of values that are intended to be reduced or augmented in the target state. And the third usage corresponds to the concept of economic techniques of statecraft as used here. The first is narrowly legalistic and therefore unsuitable for general foreign policy analysis. The second emphasizes intended effects rather than the means for achieving those effects. The difficulty is that any or all of the policy instruments discussed in the previous chapter can be used to ‘affect the economic values in a target state. Diplomatic pressure on other states can be used to discourage trade with the target; propaganda can be used to undermine confidence in the target state’s currency; and military attack can be used to destroy factories. Thus, conceiving of economic sanctions in terms of the intended effects on the receiving state is no help at all in distinguishing economic from noneconomic tools of statecraft. The term “economic sanctions” is used in so many different ways that there is much to be said for avoiding it altogether. Unfortunately, the term is so deeply embedded in the literature of economic statecraft that ignoring it is impossible. Later chapters will therefore use this term, but only in its third sense.

### 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.

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#### 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. Chinese instability causes domestic warmongering which upsets a war-weary u

### 2NC – Link overview (0:55)

#### Latin American imports are finite and carefully calibrated to play to the strengths of a variety of trade partners. The aff swings the pendulum away from China, decreasing their exports to Latin America and hurting their economy – that’s Holland.

#### Their “not zero sum” arguments don’t assume the nuance of the link – we agree that trade and relations are not zero sum, but the aff’s [relations/multilat] advantage proves they substantially bolster the US’s regional influence by overcoming decades of perceived colonial paternalism.

#### That signal of reconciliation shifts regional consumption patterns away from Chinese goods – that’s Ellis. Proximity incentivizes states to purchase from the US as long as they no longer fear American manipulation of their markets

Ben Ami 13 (Shlomo Ben Ami, a former Israeli foreign minister who now serves as Vice President of the Toledo International Center for Peace “Is the US Losing Latin America?” http://www.project-syndicate.org/commentary/the-new-nature-of-us-influence-in-latin-america-by-shlomo-ben-ami)

Gone are the days when military muscle and the politics of subversion could secure US influence – in Latin America or anywhere else. A world power today is one that can combine economic vigor and a popular culture with global outreach on the basis of shared interests. The US is better positioned than any other power in this respect, particularly when it comes to applying these advantages in its immediate vicinity.

#### Empirics prove that trade credibility, not net trade, is the determining factor in market choices – Latin America will gravitate towards the US regardless of actual market competition

Ellis 2011(R. Evan, Associate professor with the William J. Perry Center for Hemispheric Defense Studies “Chinese Soft Power in Latin America: A Case Study”, NDU Press, Issue 60, 1st Quarter, http://www.ndu.edu/press/lib/images/jfq-60/JFQ60\_85-91\_Ellis.pdf)//VP

It is also important to clarify that soft power is based on perceptions and emotion (that is, inferences), and not necessarily on objective reality. Although China's current trade with and investment position in Latin America are still limited compared to those of the United States,3 its influence in the region is based not so much on the current size of those activities, but rather on hopes or fears in the region of what it could be in the future. Because perception drives soft power, the nature of the PRC impact on each country in Latin America is shaped by its particular situation, hopes, fears, and prevailing ideology. The "Bolivarian socialist" regime of Hugo Chávez in Venezuela sees China as a powerful ally in its crusade against Western "imperialism," while countries such as Peru, Chile, and Colombia view the PRC in more traditional terms as an important investor and trading partner within the context of global free market capitalism. The core of Chinese soft power in Latin America, as in the rest of the world, is the widespread perception that the PRC, because of its sustained high rates of economic growth and technology development, will present tremendous business opportunities in the future, and will be a power to be reckoned with globally. In general, this perception can be divided into seven areas: hopes for future access to Chinese markets hopes for future Chinese investment influence of Chinese entities and infrastructure in Latin America hopes for the PRC to serve as a counterweight to the United States and Western institutions China as a development model affinity for Chinese culture and work ethic China as "the wave of the future." In each of these cases, the soft power of the PRC can be identified as operating through distinct sets of actors: the political leadership of countries, the business community, students and youth, and the general population.

### 2NC – AT: No CCP lashout

#### Yes lashout:

#### 1) Anarchy and fragmentation

Yee and Storey 2. [Professor of Politics and International Relations at Hong Kong Baptist University and Lecturer in Defence Studies at Deakin University, “The China Threat: Perceptions, Myths and Reality,” p. 5]

The fourth factor contributing to the perception of a China threat is the fear of political and economic collapse in the PRC, resulting in territorial fragmentation, civil war and waves of refugees pouring into neighbouring countries. Naturally, any or all of these scenarios would have a profoundly negative impact on regional stability. Today the Chinese leadership faces a raft of internal problems, including the increasing political demands of its citizens, a growing population, a shortage of natural resources and a deterioration in the natural environment caused by rapid industrialization and pollution. These problems are putting a strain on the central government’s ability to govern effectively. Political disintegration or a Chinese civil war might result in millions of Chinese refugees seeking asylum in neighbouring countries. Such an unprecedented exodus of refugees from a collapsed PRC would no doubt put a severe strain on the limited resources of China’s neighbours. A fragmented China could also result in another nightmare scenario – nuclear weapons falling into the hands of irresponsible local provincial leaders or warlords.12 From this perspective, a disintegrating China would also pose a threat to its neighbours and the world.

#### 2) Diversionary theory – causes crisis manufacturing

Friedberg 2011

(July/August, Aaron L., professor of politics and international affairs at the Woodrow Wilson School at Princeton University, Hegemony with Chinese Characteristics, The National Interest, lexis)

Such fears of aggression are heightened by an awareness that anxiety over a lack of legitimacy at home can cause nondemocratic governments to try to deflect popular frustration and discontent toward external enemies. Some Western observers worry, for example, that if China’s economy falters its rulers will try to blame foreigners and even manufacture crises with Taiwan, Japan or the United States in order to rally their people and redirect the population’s anger. Whatever Beijing’s intent, such confrontations could easily spiral out of control. Democratic leaders are hardly immune to the temptation of foreign adventures. However, because the stakes for them are so much lower (being voted out of office rather than being overthrown and imprisoned, or worse), they are less likely to take extreme risks to retain their hold on power.

#### 3) Legitimacy is staked on growth

Abebe et al 10

[Dan – Prof Law @ U of C Law. “International Agreements, Internal Heterogeneity, and Climate Change: The “Two Chinas” Problem” The Virginia Journal of Intl Law, Vol 50. Winter 2010 ln]

First, since the collapse of the Marxist-Leninist ideology that served as the basis for the party's authority, the CCP has adopted economic growth as the central justification for its one-party rule. The CCP has pegged its political future to a type of "performance legitimacy" n12 - it governs because it can provide faster growth and higher standards of living than any alternative form of central authority. In Eastern China, the CCP's approach has been a nearly unqualified success. Special coastal economic zones, favorable banking policies, and massive decentralization of government have combined to spur blistering economic growth. Western China, however, has been left starkly behind: per capita gross domestic product (GDP) in Western China is less than half of what it is in Eastern China. The result has been rising income inequality, social instability, and dramatic divisions between East and West, rural and city, and peasants and urban residents, along with the creation of a roaming underclass of Western Chinese seeking work in the coastal cities. n13 Worse still, these social schisms coincide with ethnic and religious fault lines: Western China is home to many ethnic minority groups that harbor substantial animosity toward CCP rule. Poorer conditions in the West have created the political environment for the emergence of separatist movements. Brisk economic growth in Western China has thus become a political imperative for the CCP, and the CCP has [\*330] prioritized it accordingly. China is likely to balk at any international agreement that might imperil this growth. Second, as a result of its growth-driven delegation of power, the CCP suffers from a surprising (for such a centralized government) erosion of state capacity: the provinces often ignore the central government's directives, frequently without meaningful consequences. n14 The political structure of the CCP and the institutional structure of China's government are sometimes overlapping or redundant and, in many places, lack effective vertical or horizontal accountability. The environmental regulatory agencies are often subordinate to the very agencies they are intended to regulate. Province-level CCP officials are often evaluated (both locally and in Beijing) by their ability to produce high levels of economic growth, not their commitment to environmental protection. Although the CCP has recently tried to recentralize power and rationalize the governance structure, n15 the center's capacity to enforce environmental regulations on the provinces is much weaker than in a typical industrialized state. The existing structural relationship between the provinces and Beijing often results in a chronic inability on the part of the CCP to provide public goods like environmental protection, an inability it will not be able to reverse without incurring substantial costs. Finally, there is reason to believe that the vast majority of economic and scientific projections have substantially underestimated China's future carbon emissions by failing to account for heterogeneity among provinces. Eastern China is already highly industrialized and reasonably wealthy; there is every reason to expect that it will begin to move towards cleaner technologies and shift economic production away from industry and towards services (which are generally less energy and carbon-intensive). n16 Western China, by contrast, is poorer and more agrarian, and the typical development pattern for such an area involves a shift towards greater industrialization and higher per capita energy consumption (and carbon production). Indeed, this is precisely the direction in which Western China is moving. n17 Every quantitative forecast of Chinese emissions - save for two important exceptions - uses only national-level data, a methodological weakness that can wash out distinctions between East and West. Of the [\*331] two studies that employ sub-national data, one projects higher emissions than any of the national-level studies; the other projects much higher emissions than any other study. n18 We read this as suggesting that Chinese carbon emissions over the forthcoming several decades may be significantly greater than the standard models have anticipated, with correspondingly higher costs to China from any agreement to curb carbon emissions. In light of the importance of economic growth to the CCP, the internal structure of Chinese governance, and the need to develop Western China, the prospects for China choosing to join such an agreement in the immediate future seem slim. This Article proceeds in four parts. Part I focuses on the general importance of economic growth to the CCP, the distribution of growth within China, and the social and economic difficulties generated by the CCP's hyper-growth policies. Part II analyzes the CCP's internal environmental enforcement capacity and argues that China would encounter substantial domestic challenges in implementing a climate accord, even if it chooses to sign one. Part III critiques the assumptions underlying quantitative forecasts of Chinese carbon emissions and suggests that future emissions may exceed conventional projections by substantial margins. Part IV canvasses extant potential frameworks for an international climate change agreement and argues that they are likely to be unsuitable to one or more of the relevant parties. Our conclusion is a pessimistic one: it will be difficult to convince China to join a meaningful international climate agreement in the near future under the best of circumstances. The Two Chinas, coupled with China's internal political dynamics, present circumstances that are hardly ideal. I. The Chinese Growth Imperative Modern China has reinvented itself on a foundation of kudzu-like economic growth. Where Marxism once served as the unifying national ideology, the CCP has substituted wealth generation and prosperity as the touchstones of the regime and suggested that the Chinese people judge the legitimacy of CCP rule by the increases in their own standards of living. Economic growth in China has been spectacular, but it has also been highly uneven. Eastern, coastal provinces have become wealthy, while central and western provinces have lagged far behind. In effect, there is no longer simply "China." There is now Eastern China, which is urban, industrialized, and relatively prosperous, and Western China, [\*332] which is rural, agrarian, and relatively poor. This divergence in economic outcomes - a divergence that in places coincides with pre-existing ethnic and religious fault lines - poses a serious threat to social stability within China. n19 In response, the CCP has begun an aptly named "Western Development Program" in an attempt to prioritize economic growth, encourage national integration, and curb nationalist unrest in Western provinces. Accordingly, the governing regime will be reluctant to join a climate agreement that might contribute to greater instability by stunting crucial economic development in Western China. A. Foundations of CCP Rule: Economic Growth Since 1949, China has been governed by the autocratic CCP, dominated by Chairman Mao's conception of Marxism and designed to bring "socialist glory" to China while preserving party rule. After the Cultural Revolution and Mao's death in 1976, however, the CCP, led by Deng Xiaoping, began to move away from the Marxist ideological foundation that served as the legitimating discursive force for CCP authority. n20 Concerned with increasing levels of apathy toward communism and questions about its efficacy as the governing regime, n21 the CCP turned to two new sources of authority and legitimacy to galvanize support among the populace and strengthen its hold on power. The first of these was a new Chinese nationalism. The second was an emphasis on continued economic growth - a type of "performance legitimacy" n22 - as a benchmark and measure of the regime's success. From the late 1970s until the suppression of student-led democratic protests in Tiananmen Square in 1989, Deng and the CCP moved slowly toward a reform of China's centralized economic policies and internal governance structure. Deng and some of the reformers began to argue that the Chinese people wanted a higher standard of living, technological dynamism, and economic efficiency, not more ideology and excessive bureaucracy. To be economically successful, they argued, China needed the CCP's one-party rule to ensure stability and regain international prestige. In the words of one scholar, "in the most fundamental sense ... China's economic reform strategy has been guided by a strategic [\*333] vision at the top of the political system. This vision links China's security, global influence, and domestic stability to the state of its economy." n23 Sustained economic growth is paramount for the continuation of the CCP, the maintenance of China's territorial integrity, and the pursuit of China's national interests in international politics. n24 The CCP's reform strategy has been marked by incremental opening of the domestic economy, beginning with agriculture in the late 1970s and continuing through China's accession to the World Trade Organization (WTO) in 2001. n25 During the 1980s, the CCP delegated a significant amount of authority from the central government to the provinces and cities, freeing local actors - province and city-level officials - to develop policies that encouraged economic growth independent of the center. n26 After a temporary delay in reforms after Tiananmen Square, the 1990s saw the CCP commit to the creation of a market system, the privatization of some state-owned enterprises, and the development of the private sector. At the turn of the century, the CCP began to embrace private entrepreneurs and "retreat from economic administration to economic regulation as the core economic function of government." n27 From a national perspective, the CCP's economic reforms are an unqualified success. Fueled by these reforms, the Chinese economy has produced tremendous economic growth and a rapidly improving standard of living for many of China's citizens (in addition to severe consequences for the environment). Between 1978 and 2000, "overall per capita gross domestic product (GDP) in constant yuan roughly quadrupled." n28 Today, China has the world's second largest economy by purchasing power parity, surpassing Japan, India, and Germany. n29 It has the world's largest foreign capital reserves. n30 It enjoys a trade surplus of [\*334] $ 163.3 billion with the United States. n31 It is a leading destination for foreign direct investment, n32 and has become more integrated into the world economy through its membership in the WTO. By almost every economic measure, the CCP's economic policies and drive for modernization have produced tremendous aggregate gains for China and its citizens. The CCP's policies have also created a consumer society in the formerly Marxist China. From telephones to televisions, newspapers to the internet, and automobiles to overseas travel, the CCP has brought to the Chinese people access to information, goods, and technology that were unimaginable during the Maoist era. n33 The CCP's economic policies have reduced the role of the state in the affairs of daily life, leaving ordinary citizens more free to engage in social and economic activities. In so doing, the CCP has reinforced the norm that prioritizing hyper-growth polices and ensuring economic development are the party's overriding responsibilities. China is hardly unique in favoring continued economic growth; there are few nations on earth that are not attempting to grow their economies and produce wealth for their citizens. In China, however, economic growth is not merely a matter of policy. Growth, particularly in certain geographic regions, is viewed by the CCP as a political imperative, integral to the regime's survival. As subsequent discussion will demonstrate, this focus on economic growth significantly impacts the CCP's incentives to curb environmental degradation and reduce greenhouse gas emissions.

## 2NC Util

**Evaluate util first**

**We’re not saying that ethics are bad**

**-we are just saying that they should not be prioritized over saving the most lives**

**-prioritizing the most lives are ethical**

**They say they are striving for justice and equality – that is util – it is most ethical**

**They even conceded in 1ac cx that death should ow torture anyway – this should be the gateway to a util mindset when you are making your ecision – if they cause deatht rough the disad you vote neg**

**This mindset is good -**

**a) Key to equality—treating all lives as equal and saving the most number of people possible is the only way to affirm unconditional respect and equality for all human life—people have dignity, and equality is the only way to maintain that—the alternative is serial killer logic where people are arbitrary chosen to be killed—that’s Cummiskey**

**b) Consequences outweigh intent—that’s Gvosdev. Despite originally good intentions, policymakers have to weigh consequences and morality can only be judged on results—their focus on intent sanctions atrocity** **because it trades off with calculations of feasible solutions to current problems. During the Bosnia crisis, Clinton held out for the most moral outcome because intervention was viewed as unethical—lack of a practical alternative lead to mass slaughter of entire populations and then he intervened—proves that util is inevitable, rejecting consequentialism only delays rational action**

**c) Moral absolution should be rejected—that’s Isaac. Focusing solely on purity of intention at the outset is complicit with evil—any policy can be justified under some self-serving moral rule—evaluating unintended consequences key to prevent dogmatic focus on a social goal—the failure of communism proves that good intentions don’t achieve political goals**

**No offense—ethics can’t guide policy—that’s Posner—the idea that some things are morally and ethically wrong involve subjective value judgements that are non-falsifiable—moral debates are useless because people’s minds are already made up on how they will act, but focus on morality trades off with focus on context and consequence of actions that causes atrocities**

**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.

### HR Cred—2NC No Solvency / No Spillover

**No spillover—that’s Neumayer. Even if we adopt domestic policies to reform human rights, we have no interest in carrying those changes over into foreign policy—other countries avoid abusing US citizens in order to stay under the radar—only our evidence speaks to empirical motives and actions of policy makers—theirs is speculative and overly optimistic**

**Human rights promotion fails—that’s Neumayer. Countries with low respect for rights don’t accrue mutual benefits from increased US rights credibility—enforcement mechanisms don’t force change and only cause free-riding that destroys the utility of treaties**

**Not able to provide in cx a unique reason that the plan will get countries to follow and completely shift their hr models**

**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.

### HR Cred—2NC Oversimplify

**Aff’s not enough to solve human rights credibility—that’s Roth. Even though the US used to be the leader in rights promotion, violation of fundamental rights in Iraq, Afghanistan and our dealing with terrorists have shut killed credibility—new policies won’t help—only a complete shift in accountability that they don’t do can solve**

**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.

### HR Cred—2NC Alt Causes

**Alt causes to HR cred—that’s Powell. Despite ideals, rhetoric means nothing—we haven’t decreased torture, freedom, shelter, doo and water, equal opportunity—social services in housing, education, jobs and health care are lacking—the aff is a drop in the cup**

**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**

**Berdion, BA in law, 7** – J.D. Candidate at SMU School of Law, B.A., Business & Political Law, cum laude, Southwestern University (Marcella X. Berdion, SMU Law Review, “The Right to Health Care in the United States: Local Answers to Global Responsibilities,” Fall 2007, 60 SMU L. Rev. 1633, JMP) \*\*\*[CEDAW] added in

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.

**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)

#### 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.

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

Isikoff 9 Michael, a national investigative correspondent for NBC News. Between 1994 and 2010, he was a correspondent in Newsweek's Washington bureau where he covered U.S. politics as well as national security and law enforcement issues, including the Oklahoma City bombing. He is the author of Hubris: The Inside Story of Spin, Scandal and the Selling of the Iraq War (co-written with David Corn) and Uncovering Clinton: A Reporter's Story, “The End of Torture”, Newsweek, The Daily Beast, 1/21/2009, <http://www.thedailybeast.com/newsweek/2009/01/21/the-end-of-torture.html>

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.

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### HR Cred—2NC Alt Causes

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**Alt causes to HR cred—that’s Powell. Despite ideals, rhetoric means nothing—we haven’t decreased torture, freedom, shelter, doo and water, equal opportunity—social services in housing, education, jobs and health care are lacking—the aff is a drop in the cup**

**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**

**Berdion, BA in law, 7** – J.D. Candidate at SMU School of Law, B.A., Business & Political Law, cum laude, Southwestern University (Marcella X. Berdion, SMU Law Review, “The Right to Health Care in the United States: Local Answers to Global Responsibilities,” Fall 2007, 60 SMU L. Rev. 1633, JMP) \*\*\*[CEDAW] added in

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.

### 2NC High

**Soft power high—that’s Nye—international cooperation on the economy, cooperation with China, and multilateral goals on multiple issues have restored soft power to pre-Bush levels—their authors are too harsh—the founder of soft power agrees, Obama solved**

**Soft power high**

**Nye 9**—Harvard University Distinguished Service Professor (Joseph, Testing Obama’s Foreign Policy, 15 December 2009, http://belfercenter.ksg.harvard.edu/publication/19801/testing\_obamas\_foreign\_policy.html, AMiles)

Through a series of symbolic gestures and speeches (in Prague, Cairo, Accra, the United Nations, and elsewhere), Obama helped to restore American soft power. As a recent Pew poll reported, "in many countries opinions of the United States are now as positive as they were at the beginning of the decade before George W. Bush took office." It is a mistake to discount the role that transformative leaders can play in changing the context of difficult issues. Power involves setting agendas and creating others' preferences as well as pushing and shoving. That is why Obama's administration speaks of "smart power" that successfully combines hard and soft power resources in different contexts. But soft power can create an enabling rather than a disabling environment for policy. Critics contend that Obama has been all words and no deeds. They portray him as a rock star who won a Nobel prize on the basis of promise rather than performance. They scoff at his popularity, and note that the Middle East remains intractable, North Korea nuclear, Iraq and Afghanistan unsettled, and Iran difficult. Moreover, in addition to words, there have been some important deeds. First and foremost was Obama's handling of the economic crisis. When he came into office, his economic advisors told him that there was a one-in-three chance of a 1930s-style depression. If Obama had not avoided that disaster, all else would have paled in comparison. Success required not only an economic stimulus package at home, but international coordination. Despite US measures against imports of Chinese tyres, the level of protectionism has been much lower than in the 1930s and than many observers predicted. Moreover, Obama used the crisis to accomplish what many had suggested for years: transform the G-8 into a broader institutional framework of a G-20 that includes the major emerging economies. Closely related to the economic crisis has been Obama's handling of relations with China. How America responds to the rise of Chinese power is one of the most important foreign-policy challenges of the twenty-first century. Contrary to some sceptical press reports, Obama's summit meeting with Chinese President Hu Jintao in November was a quiet success. A third significant accomplishment of Obama's first year has been to reframe the issue of nuclear non-proliferation, which many experts regarded as being in crisis at the end of the Bush era. Critics charge that these accomplishments, as well as efforts to unblock the stalemates in Sudan and Burma, have been achieved at the price of giving up moral clarity on human rights. But public proclamations are often less effective than long-term strategies in promoting human rights. Other critics on the left have complained that he has not been able to get Congress to pass a tough energy bill before the Copenhagen conference on climate change. But Obama has helped to persuade China and India to announce useful efforts, and he will set an American target of reducing greenhouse emissions that should prevent the conference from being a failure.

**Brand America is back**

**Hammond 10—**director at ReputationInc, and was formerly a U.K. government special adviser and geopolitics consultant at Oxford Analytica (Andrew, Banner Year For 'Brand America', 27 January 2010, http://www.forbes.com/2010/01/27/president-obama-america-global-ratings-opinions-contributors-andrew-hammond.html, AMiles)

It's a year into Barack Obama's presidency and assessment of his performance in the White House has been mixed. While his domestic popularity within the U.S. has taken a hit, as last week's Republican victory in the Senate election in Massachusetts indicates, one major success has been his contribution toward the resurgence of so-called "Brand America." Several opinion surveys now assert that anti-Americanism is generally on the decline, especially in Western Europe, and that the U.S. is, once again, the world's premier "country brand." Although many felt Obama received the Nobel Peace Prize prematurely, these findings show that his efforts to redefine the U.S. world view, and reconceptualize U.S. global policy, are having an impact. While an "Obama effect" of this kind was expected, this degree of transformation has been stunning. Indeed, favorable perceptions of the U.S. have increased by about 30 percentage points in some countries, according to the Pew Global Attitude Projects. This turnaround is especially dramatic at a time when the luster of the U.S. economic model has been eroded by the global financial downturn.

**Multiple actions solve**

**Lobe 9** [Jim Lobe is Inter Press Service's correspondent in Washington specializing in foreign policy, “U.S.: Obama Boosts Foreign, Development Aid Spending,”  May 8, http://ipsnews.net/news.asp?idnews=46782]

True to his promises to bolster Washington's "soft power" abroad, President Barack Obama released details of his fiscal year (FY) 2010 budget that included significant increases in development assistance and other civilian-oriented tools of U.S. foreign policy. If approved, the 2010 budget, combined with a pending FY09 supplemental budget that Congress is likely to approve in the coming weeks, would also go a long way to paying U.S. arrears to the United Nations and its peacekeeping operations and, for the first time in some 25 years, would ensure that Washington pays its dues to the U.N. body in a timely fashion, rather than one year late. "We're very pleased with this budget. It's as good as could be expected," said Don Kraus, director of Citizens for Global Solutions (CGS), a national group that supports greater U.S. involvement in international organisations. Under the proposed budget, which now must be considered by Congress, overall spending by the State Department and related agencies would rise to nearly 54 billion dollars in 2010, a nine percent increase in the money to be spent in FY 2009. While that remains a tiny percentage of the total proposed federal budget of 3.4 trillion dollars, the percentage increase in State Department spending, if approved, would be more than twice the proposed increase in the Pentagon's budget – up four percent from the current year to 534 billion dollars in FY 2010, which begins Oct. 1. The proposed Pentagon budget, however, does not include some 130 billion dollars in additional funding for U.S. military operations in Iraq and Afghanistan in 2010, according to the budget details released Thursday by the White House's Office of Management and Budget (OMB). For the first time since 2002, war expenditures in Afghanistan will exceed those in Iraq, according to the budget. The budget proposals announced here Thursday were largely consistent with the general outlines of the budget released by the administration in late February – in terms of both total amounts and their allocation. Details about specific programmes and countries, however, were put on hold. Increases for the State Department and related international programmes will put the administration on track to double total U.S. development and economic aid by 2015 and hire hundreds of new foreign service officers, as well as bulk up a badly depleted U.S. Agency for International Development (USAID) staff. The total allocation for USAID, for example, will rise from 1.25 billion dollars approved for FY09 to 1.7 billion dollars in FY10. The goal is to begin narrowing the yawning gap between Washington's vast military apparatus, some of which has encroached deeply into areas traditionally run by the State Department or USAID, such as development and humanitarian assistance, and the civilian agencies. If the new budget is approved, development assistance will be increased sharply – from 1.5 billion dollars in FY09 to 2.73 billion dollars in FY10, according to the request. Most of the increase will be parceled out to sub-Saharan Africa (450 million dollars), with major boosts in aid to Burundi, Ghana, Guinea, Rwanda, Uganda and Zambia; and the Americas (175 million dollars), where Bolivia, El Salvador, Guatemala, Honduras, and Nicaragua will be major beneficiaries. The Millennium Challenge Corporation (MCC), which was launched by former President George W. Bush to provide additional development aid and debt relief for poor countries that have implemented significant political and economic reform, would receive 1.425 billion dollars under Obama's budget, up from the 875 million dollars approved by Congress for FY09, but less than what had been requested by Bush at this time last year. Aid for global health and child survival programmes will increase from 7.2 billion dollars to 7.6 billion dollars, with most of the increased designed to address more common, but often deadly, health problems such as diarrheal diseases, especially in sub-Saharan Africa, rather than to more-prominent afflictions, notably HIV/AIDS, malaria, and tuberculosis, will remain more or less constant next year. The projected "flat-lining" of funding for these diseases and particularly Obama's failure to propose increasing the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (900 million dollars) have already drawn strong protests from a number of AIDS activists this week. The proposed budget also includes increases of more than 10 percent for international disaster assistance (from 350 million dollars to 880 million dollars) and other humanitarian activities, such as demining programmes and aid for refugees overseas, drawing praise from Samuel Worthington, the president of InterAction, a coalition of nearly 180 non-governmental relief and development groups. "An alarming number of humanitarian crises require our attention, such as the escalating situation in Pakistan," he said. "Given the current economic climate, this request is a solid step toward addressing these crises in long-term global stability and prosperity." On U.N. and other specialised international organisations, contributions will remain largely the same as last year, although funding for the U.N. Development Programme, a long-time U.S. favourite, would be reduced from 100 million dollars to 75.3 million dollars under the new budget. On the other hand, Washington's contribution to the U.N. Population Fund (UNFPA), which Bush refused to fund, will be increased from the 30 million dollars approved by Congress for this year to 50 million dollars in 2010 under Obama's proposal. Overall, total contributions to the U.N. and its agencies would increase from 1.07 billion dollars to 1.23 billion dollars. The proposed budget also calls for Washington's contribution to the U.N. Democracy Fund to increase from three million dollars to 14 million dollars, even while it calls for reducing the budget of the National Endowment for Democracy by a comparable amount. On military funding controlled by the State Department, the budget request calls for a 20 percent increase in military training funds – from 93 million dollars to 110 million dollars – and a more modest increase in foreign military financing (FMF) – from five billion dollars to nearly 5.3 billion dollars – which provides credit to countries to purchase U.S. weapons and related equipment.

### 2NC High—Obama Solves

**Obama is practicing soft power now—he signals a clean break from Bush.**

**Ayhan, masters student in IR,** **9**—master's student at the Graduate School of International Studies at Seoul National University (Kadir, Obama Applies Islamic Soft Power against Terrorism, 14 August 2009, http://www.bilgesam.com/en/index.php?option=com\_content&view=article&id=199:obama-applies-islamic-soft-power-against-terrorism&catid=98:analizler-abd&Itemid=132, AMiles)

Soft power is a very popular and a new term used mostly in international relations, and it was first coined by Joseph Nye. Nye defines soft power as the “ability to get what you want through attraction rather than coercion or payment”. Even though Nye’s definition has been contested for its lack of theoretical framework, it is still relevant as a concept that draws a distinction between coercive power and cooptive power (though without making clear the resources used).  Washington has been aware of the concept since Nye was a well-known professor and a former diplomat; but with Obama in office it has been put more into practice. A recent example of application of soft power was Obama’s Cairo speech. Two months ago, US President Barack Obama addressed the Muslim world from Cairo. There he repeated what he said in Ankara, that the US was not at war with Islam. Many may not remember, but this was exactly what Bush said when he was in office. Firstly, let's ask why two US presidents had to stress that the US was not at war with a religion that is followed by more than 1 billion people. Could it be because the US has been fighting “the war on terrorism” and that the terrorism in question is what has often been referred to as “Islamic” terrorism? If the terrorism is Islamic, then does not it imply one way or another that the US is at war with Islam in its war against terrorism? That is why Muslims and some columnists in the West have strongly opposed the phrase “Islamic terrorism” and suggested alternative names for the kind of terrorism that manipulates the resources of Islam in order to attract Muslims to their cause. Something being Islamic attracts Muslims, and terrorism should not attract them; therefore the use of Islam and terrorism together in a phrase should be avoided. However, the mainstream Western media, politicians and professors used this term without realizing that by doing so they helped the terrorist ideology appeal more to Muslims in the marketplace of ideas. The perception (or misperception) in the Muslim world that the US has been at war with Islam contributed to increasing anti-American sentiment in predominantly Muslim societies and may have made terrorist groups more attractive to Muslims, who would have been less likely to “buy” the terrorist groups' ideology under fair conditions in the marketplace of ideas. The terrorist groups' apparent stand against US “aggressors” made them more attractive than their ideology alone. Secondly, we must ask why Obama's speech has been more welcomed by the Muslim audience, whereas Bush's quotes about Islam have totally been forgotten. Could it be because Obama drew Muslims' attention by using appealing language, quoting from the Quran and asking Muslims to be against terrorists based on what Islam's holy book says whereas Bush was infamous with his reference to the Iraq War as a “crusade” (a term that reminds Muslims of not very good memories from history)? Obama seems to have learned from the mistakes of his predecessor, George W. Bush. In an attempt to reach out to Muslims all around the world from Cairo on June 4, Obama tried to benefit from Islam's soft power with the Muslim audience rather than relying on the world-famous American soft power alone. That is because he realized that Islam's soft power is more appealing, more attractive to his audience compared to American soft power, which could be more appealing in other cases. Obama began and end his speech with an Islamic greeting, assalamu alaikum (peace be upon you) and drew the attention of the audience from the very first minute. During the speech, he cited the Quran three times and referred to Prophet Muhammed's sayings twice, both being the most significant and most credible soft power resources of Islam that all Muslims are attracted to. During Obama's speech, he used Allah's words from the Quran as a source of credibility to make his speech “stick” more in Muslims' minds and to attract Muslims against the terrorist organizations as he said: “The Holy [emphasis added] Quran teaches that whoever kills an innocent, it is as if he has killed all mankind; and whoever saves a person, it is as if he has saved all mankind." Reciting this verse from the Quran is the most effective way to ask a Muslim to be against extremist terrorism. Compare this with Obama saying that “you should not kill innocent people” with no reference to credible Islamic sources. It would be a good message, but less “sticky” and less attractive for Muslim recipients. [1] Imagine what could have changed if Bush recited this verse from the Quran rather than calling the Iraq War a “crusade”! An American president referring to Islamic sources to make peace with Muslim people all over the world is symbolic: As the title of the speech suggests, it offers “a new beginning.”

**More evidence**

**Nye 9** – IR prof, Harvard (Joseph, 2/11, How Obama leads, http://www.dailytimes.com.pk/default.asp?page=2009\02\11\story\_11-2-2009\_pg3\_6, AG)

Obama continued to demonstrate these leadership skills in his almost flawless transition. By selecting his primary opponent, Hillary Clinton, as his Secretary of State, and reaching across party lines to retain Robert Gates as Secretary of Defence, he showed openness to strong subordinates. In his inaugural address, he sounded the themes of smart power — a willingness “to extend an open hand to those who unclench their fists” — but also stressed themes of responsibility as Americans confront sobering economic problems. Moreover, Obama has started his term in decisive fashion. In his first weeks in office, he began to fulfil his campaign promises by outlining a massive economic stimulus plan, ordering the closure of the Guantanamo Bay prison, promoting new fuel-efficiency standards to save energy, giving an interview to Al Arabiya, and sending a top emissary to the Middle East.

**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)

#### 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.

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

Isikoff 9 Michael, a national investigative correspondent for NBC News. Between 1994 and 2010, he was a correspondent in Newsweek's Washington bureau where he covered U.S. politics as well as national security and law enforcement issues, including the Oklahoma City bombing. He is the author of Hubris: The Inside Story of Spin, Scandal and the Selling of the Iraq War (co-written with David Corn) and Uncovering Clinton: A Reporter's Story, “The End of Torture”, Newsweek, The Daily Beast, 1/21/2009, <http://www.thedailybeast.com/newsweek/2009/01/21/the-end-of-torture.html>

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.

### ILaw

**Conceded Nations won’t follow i-law**

**McGinnis, law prof, 9**—Stanford Clinton, Sr. Professor of Law, Northwestern University School of Law (John and Ilya Somin-assistant law prof, George Mason, Democracy and International Human Rights Law, April 2009, 84 Notre Dame L. Rev. 1739, Lexis, AMiles)

I-law fails—no one abides by it and countries don’t care about US accession

**Paulsen, Prof of Law, ‘9** –(Michael Stokes, “The Constitutional Power to Interpret International Law”, 118 Yale L.J. 1762, p. lexis, KH)

Thus, though treaties are part of the supreme law of the land under the U.S. Constitution, their legal force as they concern the international law obligations of the United States is, as a matter of U.S. law, always limited by (1) the Constitution’s assignment of certain indefeasible constitutional powers to the President and to Congress with respect to foreign affairs and war; (2) the power of Congress to enact inconsistent, overriding or limiting legislation; 3) the fact that many treaty commitments do not create self-executing U.S. domestic law obligations; and (4) the President’s foreign affairs executive power to interpret, apply, suspend (in whole or in part), or even terminate a U.S. treaty’s international obligation as a matter of U.S. law.

It is worth pausing to consider exactly what all of this means, for its implications are mildly stunning, especially with respect to U.S. war powers: it means that a treaty of the United States that is the law of the land under Article VI of the Constitution—be it the U.N. Charter, the Geneva Conventions or any other major agreement at the center of the contemporary regime of international law—may not constitutionally limit Congress’s power to declare war or the President’s Commander-in-Chief power to conduct war as he sees fit. It means that Congress always may act to displace, or disregard, a treaty obligation. It means that the President, too, always may act independently to displace, or disregard, a treaty obligation. It means that treaties, as a species of international law with the strongest claim to U.S. domestic constitutional law status, never meaningfully constrain U.S. governmental actors. Their force is utterly contingent on the prospective actions and decisions of U.S. constitutional actors.55

This conceptualization threatens all that the community of “international law” scholars hold most dear. For it seems to say that the United States may disregard the seemingly most sacred of international law treaty obligations almost at will. The answer to such a charge is yes, this analysis suggests precisely that. At least it does so as a matter of U.S. constitutional law. This does not mean, of course, that the United States must or should disregard important international law treaty obligations as a foreign policy matter. It certainly does not need to do so; other nations might validly regard such actions as a breach of international law; such nations might become very angry at the United States’s actions (or they might not); and such breaches, and reactions, may have serious international political repercussions. These are very serious policy considerations. But as a matter of U.S. constitutional law, it remains the case that Congress, and the President, may lawfully take such actions, hugely undermining the force of such international treaties as binding national law for the United States.

The conclusion is blunt, but inescapable: international law in the form of U.S. treaties is primarily a political constraint on U.S. conduct—a constraint of international politics—more than a true legal constraint. The “binding” international law character of a treaty obligation is, as a matter of U.S. law, largely illusory.

### CMR

**The impact’s empirically denied by the XXXX years since their card was written—they should have to provide a specific scenario for conflict—nebulous war claims ignore context and history of conflicts that make them academically useless**

**No impact – our Peabody evidence says that tensions between the military and the civilian sector are an inevitable part of democracy – their authors mistake any sign of military power as a takeover**

**Err neg – our evidence examines the entirety of American history, and concludes CMR tension is healthy and inevitable**

\*read\*

No chance of random military interventions

Lieven 11—professor in the War Studies Department of King's College London and a senior fellow of the New America Foundation. PhD in pol sci (Anatol, A Mutiny Grows in Punjab, http://nationalinterest.org/article/mutiny-grows-punjab-4889, AMiles)

This statement is not intended as a standard attack either on the overweening power of the American armed forces or on the country’s “militarism.” Paradoxically, the U.S. military is not in general a militarist force in the shaping of U.S. policy, if one gives “militarist” its old connotations of aggression and warmongering. Under the last Bush administration, the military was far more cautious than many of the president’s political appointees, and military opposition reportedly played an important part in blocking a U.S. attack on Iran in the last year of Bush’s second term. Military caution is rooted in a strong and realistic sense of the limits on America’s resources and of the potentially catastrophic risks of further open-ended military commitments. The role of the armed forces in shaping and limiting a U.S. administration’s options may be questionable under the Constitution, but it is something for which we may have good reason to be grateful under a future Republican president after 2012 or 2016.

#### Prefer empiricism when evaluating impacts

Rodwell 5—PhD candidate, Manchester Met. (Jonathan, Trendy But Empty: A Response to Richard Jackson, http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm, AMiles)

The larger problem is that without clear causal links between materially identifiable events and factors any assessment within the argument actually becomes **nonsensical**. Mirroring the early inability to criticise, if we have no traditional causational discussion how can we know what is happening? For example, Jackson details how the rhetoric of anti-terrorism and fear is obfuscating the real problems. It is proposed that the real world killers are not terrorism, but disease or illegal drugs or environmental issues. The problem is how do we know this? It seems we know this because there is evidence that illustrates as much – Jackson himself quoting to Dr David King who argued global warming is a greater that than terrorism. The only problem of course is that discourse analysis has established (as argued by Jackson) that King’s argument would just be self-contained discourse designed to naturalise another arguments for his own reasons. Ultimately it would be no more valid than the argument that excessive consumption of Sugar Puffs is the real global threat. It is worth repeating that I don’t personally believe global terrorism is the world’s primary threat, nor do I believe that Sugar Puffs are a global killer. But without the ability to identify real facts about the world we can simply say anything, or we can say nothing. This is clearly ridiculous and many post-structuralists can see this. Their argument is that there “are empirically more persuasive explanations.”[xi] The phrase ‘empirically persuasive’ is however the final undermining of post-structural discourse analysis. It is a seemingly fairly obvious reintroduction of traditional methodology and causal links. It implies things that can be seen to be right regardless of perspective or discourse. It again goes without saying that logically in this case if such an assessment is possible then undeniable material factors about the word are real and are knowable outside of any cultural definition. Language or culture then does not wholy constitute reality. How do we know in the end that the world not threatened by the onslaught of an oppressive and dangerous breakfast cereal? Because empirically persuasive evidence tells us this is the case. The question must then be asked, is our understanding of the world born of evidential assessment, or born of discourse analysis? Or perhaps it’s actually born of utilisation of many different possible explanations.

**CMR tension is inevitable but there’s no impact**

**Peabody 1 –** Lieutenant Colonel in the U.S. Army, 4-10-1 (John, “The ‘Crisis’ in American Civil Military Relations: A Search for Balance Between Military Professionals & Civilian Leaders,” USAWC Strategy Research Project, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA390551&Location=U2&doc=GetTRDoc.pdf)

While the alarmists are incorrect in important aspects regarding the tradition of civil-military relations, their concerns have had the positive benefit of starting a serious debate and deeper examination over the nature and current condition of American dvil-milrtary relations. Fortunately, this debate has sparked a deeper examination of American civil-military history and tradition that illuminates a more balanced judgment of their current status, and helps guide us in outlining some considerations for what characterizes truly appropriate civil-military relations. Even some of the alarmists have suggested the need for "restoring the tradition of loyal dissent,\*7\* yet the general tone the alarmists sounded is inaccurate, as the TISS Study indicates: "Beyond [normal] tensions and conflicts, we see no real signs of crisis, no indicators of loss of effective civilian control nor of undue influence by military leaders in decisions properly the domain of elected or appointed political leaders."\*0 Indeed. Don Snider makes a key point that signs of discord indicate there is a stark, but potentially healthy tension between the two imperatives and the character and ethos of their respective cultures ... between freedom and individualism ... and the corporate nature of the military that demand sacrifice ... to the higher good of the mission. ...Not all observed gaps are dangerous; at the same time, not all convergences between the two cultures are functional and thus desirable."1 Whatever the origins of and solutions to the currenl schisms, it is important to understand that they represent the necessary and inevitable tension in the fundamentally contradictory nature of civil-military relations in a democratic society. Furthermore, these problems are neither unique to the dawning twenty-first century, nor do they portend gloomy civil-military relations in the future, as some of the alarmists depict. Reduced civilian defense expertise and the increased insertion of military officers into the national security bureaucracy to deal with policy issues has expanded the limits of military participation in policy-making far beyond the mythical notion of the alarmists.