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## Advantage 1 - Terrorism

#### US is losing the War on Terrorism due to the proliferation of extra-AUMF Al Qaeda affiliates

Kagan, 7/18

[Frederick W., Christopher DeMuth Chair and Director, Critical Threats Project, American Enterprise Institute, “The Continued Expansion of Al Qaeda Affiliates and their Capabilities”, Statement before the House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade On “Global al-Qaeda: Affiliates, Objectives, and Future Challenges”, 2013, <http://www.criticalthreats.org/al-qaeda/kagan-continued-expansion-al-qaeda-affiliates-capabilities-july-18-2013>, BJM]

The war against al Qaeda is not going well. Afghanistan has seen the most success, since Coalition and Afghan National Security Forces (ANSF) have been able to prevent al Qaeda from re-establishing effective sanctuary in the places from which the 9/11 attacks were planned and launched. The killing of Osama bin Laden has not been followed-up in Pakistan with disruption to the leadership group there on the scale of operations that preceded the Abbottabad raid. Al Qaeda affiliates in Iraq, Syria, Yemen, and West Africa have dramatically expanded their operating areas and capabilities since 2009 and appear poised to continue that expansion. Progress against al Shabaab, the al Qaeda affiliate in Somalia, is extremely fragile and shows signs of beginning to unravel. New groups with al Qaeda leanings, although not affiliations, are emerging in Egypt, and old groups that had not previously been affiliated with al Qaeda, such as Boko Haram in Nigeria, appear to be moving closer to it. Current trends point to continued expansion of al Qaeda affiliates and their capabilities, and it is difficult to see how current or proposed American and international policies are likely to contain that expansion, let alone reduce it to 2009 levels or below. Americans must seriously consider the possibility that we are, in fact, starting to lose the war against al Qaeda. The policy debate about al Qaeda has been bedeviled by competing definitions of the group and, consequently, evaluations of the threat it poses to the United States, as Katherine Zimmerman shows in a major paper that will be forthcoming from the Critical Threats Project at the American Enterprise Institute (AEI) in September. Whereas the Bush Administration saw the group as a global network of cells, the Obama Administration has focused narrowly on the "core group" in Pakistan around bin Laden and, after his death, around his successor, Ayman al Zawahiri. The current administration has also labored to distinguish al Qaeda franchises that have the intent and capability to attack the United States homeland from those that do not, implying (or sometimes stating) that the U.S. should act only against the former while observing the latter to ensure that they do not change course.

**Current AUMF ambiguity undermines effective counter-terrorism efforts against affiliates**

**Chesney et al. ‘13**

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The September 2001 AUMF provides for the use of force against the entity ¶ responsible for the 9/11 attacks, as well as those harboring that entity. It ¶ has been clear from the beginning that **the AUMF encompasses al Qaeda and** ¶ **the Afghan Taliban,** respectively. This was the right focus in late 2001, and for a ¶ considerable period thereafter. But for three reasons, **this focus is increasingly** ¶ **mismatched to the threat environment facing the U**nited **S**tates.4¶ **First, the original al Qaeda network has been substantially degraded by** ¶ **the success of the United States and its allies in killing or capturing the network’s** ¶ **leaders and key personnel**. That is not to say that al Qaeda no longer poses a ¶ significant threat to the United States, of course. The information available in the ¶ public record suggests that it does, and thus nothing we say below should be ¶ read to suggest that force is no longer needed to address the threat al Qaeda ¶ poses. Our point is simply that **the original al Qaeda network is no longer the** ¶ **preeminent operational threat to the homeland** that it once was.¶ **Second, the Afghan Taliban are growing increasingly marginal to the AUMF**. As ¶ noted above, **the AUMF extended to the Taliban because of the safe harbor they** ¶ **provided to al Qaeda. That rationale makes far less sense a dozen years later,** ¶ **with the remnants of al Qaeda long-since relocated** to Pakistan’s FATA region. ¶ This issue has gone largely unremarked in the interim because U.S. and coalition ¶ forces all along have been locked in hostilities with the Afghan Taliban, and ¶ thus no **occasion to reassess the AUMF nexus** has ever arisen. Such an occasion ¶ **may** well **loom on the horizon,** however, **as the U**nited **S**tates **draws down** ¶ **in Afghanistan with increasing rapidity**. To be sure, the United States no doubt ¶ will continue to support the Afghan government in its efforts to tamp down ¶ insurgency, and it also will likely continue to mount counterterrorism operations ¶ within Afghanistan. It may even be the case that at some future point, the Taliban ¶ will again provide safe harbor to what remains of al Qaeda, thereby at least ¶ arguably reviving their AUMF nexus. But for the time being, **the days of direct** ¶ **combat engagement with the Afghan Taliban appear to be numbered.**¶ If the decline of the original al Qaeda network and the decline of U.S. interest in ¶ the Afghan Taliban were the only considerations, one might applaud rather ¶ than fret over the declining relevance of the AUMF. **There is**, however, a **third** ¶ **consideration: significant new threats are emerging, ones that are not easily** ¶ **shoehorned into the current AUMF framework.** ¶To a considerable extent, **the new threats stem from the fragmentation of** ¶ **al Qaeda** itself. In this sense, the problem with the original AUMF is not so much ¶ that its primary focus is on al Qaeda, but rather that **it is increasingly difficult to** ¶ **determine with clarity which groups and individuals in al Qaeda’s orbit are** ¶ **sufficiently tied to the core so as to fall within the AUMF**. And given the gravity ¶ of the threat that some of these groups and individuals may pose on an ¶ independent basis, **it also is increasingly odd to premise the legal framework** ¶ **for using force against them on a chain of reasoning that requires a detour** ¶ **through the original, core al Qaeda organization.**¶The fragmentation process has several elements. First, **entities that** at ¶ least arguably **originated as** mere regional cells **of the core network have** ¶ **established a substantial degree of organizational and operational** ¶ **independence,** even while maintaining some degree of correspondence ¶ with al Qaeda’s leaders. **A**l **Q**aeda in the **A**rabian **P**eninsula **is a good example**. ¶ Al Qaeda in Iraq arguably fits this description as well, though in that case ¶ one might point to a substantial degree of strategic independence as well. ¶ Second, **entities that originated as independent, indigenous organizations** ¶ **have** to varying degrees **established formal ties to al Qaeda**, often rebranding ¶ themselves in the process. **Al** **Q**aeda in the **I**slamic **M**aghreb, formerly known ¶ as the Salafist Group for Call and Combat, **illustrates this path**. **Al Shabaab** ¶ in Somalia arguably **does as well**. **And then there are circumstances (such** ¶ **as the ones currently unfolding in Mali, Libya, and Syria) in which it is** ¶ **not entirely clear where the organizational lines lie** among (i) armed ¶ groups that work in concert with or even at the direction of one of the ¶ aforementioned al Qaeda affiliates; (ii) armed groups that are sympathetic ¶ and in communication with al Qaeda; and (iii) armed groups that are ¶ wholly independent of al Qaeda yet also stem from the same larger milieu ¶ of Salafist extremists.¶ **This situation**—which one of us has described as the emergence of “extraAUMF” threats—**poses a significant problem insofar as counterterrorism policy** ¶ **rests on the AUMF for its legal justification**. In some circumstances it remains ¶ easy to make the case for a nexus to the original al Qaeda network and hence to ¶ the AUMF. But **in a growing number of circumstances, drawing the requisite** ¶ **connection to the AUMF requires an increasingly complex daisy chain of** ¶ **associations—a task that is likely to be very difficult** (and hence subject to ¶ debate) **in some cases, and downright impossible in others**. The emergence of this problem should come as no surprise. **It has been nearly** ¶ **a dozen years since the AUMF’s passage, and circumstances have evolved** ¶ **considerably since then. It was inevitable that threats would emerge that might** ¶ **not fit easily or at all within its scope.** The question is whether Congress should ¶ do anything about this situation, and if so precisely what.

#### Clarifying “associated forces” is key to winning the WOT

**Zimmer ‘13**

[Katherine Zimmerman is a senior analyst and the al Qaeda and Associated Movements Team Lead for the American Enterprise Institute’s Critical Threats Project. <http://www.criticalthreats.org/sites/default/files/pdf_upload/analysis/Zimmerman_the_al_Qaeda_Network_September_2013.pdf> ETB]

The **failure to define al Qaeda properly** has confused American policy and strategy**.** The enemy was not ¶ just the man shot dead on May 2, 2011, in Abbottabad, Pakistan, nor is it the 1.5 billion Muslims for ¶ whom Osama bin Laden claimed to speak. ¶ The United States should have sought to answer key ¶ questions about the state of al Qaeda after bin Laden’s ¶ death and the succession of Ayman al Zawahiri. What is ¶ al Qaeda? Is it only the group directly headed by Zawahiri? Or is it more expansive? How is al Qaeda operating ¶ today? How do the groups within the al Qaeda network ¶ relate to each other and to the core? Answers to these ¶ questions are necessary to inform the crafting of a successful strategy to counter the real al Qaeda.¶ The year of Osama bin Laden’s death is the year that ¶ the overall al Qaeda network became stronger. **The al** ¶ **Qaeda network benefited significantly from the breakdown in governance across the Middle East and North** ¶ **Africa**. **Affiliates such as** al Qaeda in the Arabian Peninsula (**AQAP**), al Qaeda in Iraq **(AQI**), and al Qaeda in ¶ the Islamic Maghreb (**AQIM) all** **expanded their area of** ¶ **operations and exploited openings caused by the Arab** ¶ **Spring’s unrest.** Zawahiri, al Qaeda’s new emir, named ¶ two new affiliates: al Shabaab in Somalia, which had ¶ a robust, though covert, relationship with al Qaeda, ¶ and Jabhat al Nusra in Syria, established with the assistance of AQI. **American strategy remained focused on** ¶ **degrading the capabilities of the core group in Pakistan** ¶ **even as the al Qaeda network expanded**.¶ The al Qaeda network isadaptive, complex, and resilient**.** Today, it has a formal organizational structure, with ¶ the core group at its head providing overall direction. ¶ Informal relationships and human networks, one of the ¶ most important of whi’’ch was formed around bin Laden ¶ in the 1980s and 1990s, create an underlying latticed ¶ structure that bridges the formal structure of the network.¶ But **even as the network becomes increasingly** ¶ **decentralized, the core group continues to direct the al** ¶ **Qaeda network.** AQAP, the affiliate most likely to have ¶ assumed control over the al Qaeda network, has deferred ¶ to the core group, and its emir may have even accepted ¶ a formal position as Zawahiri’s deputy. The decentralization of the al Qaeda network has not made it weaker. ¶ On the contrary, **affiliate-to-affiliate relationships may have** increased the overall network’s resiliency**.** **These** ¶ **relationships may also ensure al Qaeda’s survival even if the core group is defeated completely.**¶ **Al Qaeda affiliates have evolved and now threaten** ¶ **the United States** as much as (if not **more** **than**) **the** ¶ **core group;** they can no longer be dismissed as mere ¶ local al Qaeda franchises. The affiliates have also developed relationships with local militant Islamist groups, ¶ similar to the relationships between al Qaeda core and ¶ Pakistan-based associates, and they have supported the ¶ establishment of like-minded local groups, as the al ¶ Qaeda core did in the 1990s. ¶ Associated groups support the efforts of the core ¶ group and the affiliates and may themselves threaten ¶ American personnel or interests. Public recognition of a ¶ group’s relationship with the network should not be the ¶ sole criterion upon which U.S. policy is based because ¶ al Qaeda senior leadership advocates plausible deniability as to its relationship with various associates to avoid ¶ provoking an American or international reaction to the ¶ group. The al Qaeda–associated Tehrik-e-Taliban Pakistan facilitated the May 2010 Times Square bombing, ¶ for example. **Policies designed to degrade, neutralize,** ¶ **and disrupt the activities of key associates are essential** ¶ **to a sound strategy to defeat al Qaeda.**¶ **The reality is that despite more than a decade of** ¶ **direct and indirect warfare against the group, al Qaeda** ¶ **continues to be a threat to the United States and its** ¶ **interes**ts. The closure of more than 20 diplomatic posts ¶ across the Middle East and North Africa on August 4, ¶ 2013, underscores the group’s continued virulence ¶ and reach. AQAP, the affiliate from which that threat ¶ allegedly emanated, has spearheaded efforts to target ¶ the United States using innovative tactics. Its rise in ¶ the network was predictable in retrospect, yet America’s ¶ strategy did not adjust to effectively counter it. ¶ **Understanding precisely which groups contribute to** ¶ **the al Qaeda network and how they operate within that** ¶ **network will better enable American policymakers and** ¶ **decision makers to develop a comprehensive strategy to** ¶ **defeat al Qaeda. Absent that understanding, the United** ¶ **States will continue to engage in a tactical battle that** ¶ **promises only occasional battleground victories,** but no ¶ real prospect of winning the war.

#### We’re at a turning point - the US must pivot to address the threat from al Qaeda affiliates - Congressional action is key because it provides legitimacy that induces public support for counter terrorism and international cooperation against terrorism

Wainstein ‘13

[STATEMENT OF ¶ KENNETH L. WAINSTEIN, PARTNER ¶ CADWALADER, WICKERSHAM & TAFT LLP ¶ BEFORE THE ¶ COMMITTEE ON FOREIGN RELATIONS ¶ UNITED STATES SENATE ¶ CONCERNING ¶ COUNTERTERRORISM POLICIES AND PRIORITIES: ¶ ADDRESSING THE EVOLVING THREAT ¶ PRESENTED ON ¶ MARCH 20, 2013. <http://www.foreign.senate.gov/imo/media/doc/Wainstein_Testimony.pdf> ETB]

It has recently become clear, however, that the Al Qaeda threat that occupied our ¶ attention after 9/11 is no longer the threat that we will need to defend against in the future. Due ¶ largely to the effectiveness of our counterterrorism efforts, the centralized leadership that had ¶ directed Al Qaeda operations from its sanctuary in Afghanistan and Pakistan -- known as “Al ¶ Qaeda Core” -- is now just a shadow of what it once was. While still somewhat relevant as an ¶ inspirational force, Zawahiri and his surviving lieutenants are reeling from our aerial strikes and ¶ no longer have the operational stability to manage an effective global terrorism campaign. The ¶ result has been a migration of operational authority and control from Al Qaeda Core to its ¶ affiliates in other regions of the world, such as Al Qaeda in the Arabian Peninsula, Al Qaeda in ¶ Iraq and Al Qaeda in the Islamic Maghreb. ¶ As Andy Liepman of the RAND Corporation cogently explained in a recent article, this ¶ development is subject to two different interpretations. While some commentators diagnose Al ¶ Qaeda as being in its final death throes, others see this franchising process as evidence that Al ¶ Qaeda is “coming back with a vengeance as the new jihadi hydra.” As is often the case, the truth ¶ likely falls somewhere between these polar prognostications. Al Qaeda Core is surely weakened, ¶ but its nodes around the world have picked up the terrorist mantle and continue to pose a threat ¶ to America and its allies -- as tragically evidenced by the recent violent takeover of the gas ¶ facility in Algeria and the American deaths at the U.S. Mission in Benghazi last September. This ¶ threat has been compounded by a number of other variables, including the opportunities created ¶ for Al Qaeda by the events following the Arab Spring; the ongoing threat posed by Hizballah, its ¶ confederates in Iran and other terrorist groups; and the growing incidence over the past few years ¶ of home-grown violent extremism within the United States, such as the unsuccessful plots ¶ targeting Times Square and the New York subway. ¶ We are now at a pivot point where we need to reevaluate the means and objectives of our ¶ counterterrorism program in light of the evolving threat. The Executive Branch is currently ¶ engaged in that process and has undertaken a number of policy shifts to reflect the altered threat ¶ landscape. First, it is working to develop stronger cooperative relationships with governments in ¶ countries like Yemen where the Al Qaeda franchises are operating. Second, they are ¶ coordinating with other foreign partners -- like the French in Mali and the African Union ¶ Mission in Somalia -- who are actively working to suppress these new movements. Finally, they ¶ are building infrastructure -- like the reported construction of a drone base in Niger -- that will ¶ facilitate counterterrorism operations in the regions where these franchises operate.¶ While it is important that the Administration is undergoing this strategic reevaluation, it ¶ is also important that Congress participate in that process. Over the past twelve years, Congress ¶ has made significant contributions to the post-9/11 reorientation of our counterterrorism ¶ program. First, it has been instrumental in strengthening our counterterrorism capabilities. From ¶ the Authorization for Use of Military Force passed within days of 9/11 to the Patriot Act and its ¶ reauthorization to the critical 2008 amendments to the Foreign Intelligence Surveillance Act, ¶ Congress has repeatedly answered the government’s call for strong but measured authorities to ¶ fight the terrorist adversary. ¶ Second, Congressional action has gone a long way toward institutionalizing measures ¶ that were hastily adopted after 9/11 and creating a lasting framework for what will be a “long ¶ war” against international terrorism. Some argue against such legislative permanence, citing the ¶ hope that today’s terrorists will go the way of the radical terrorists of the 1970’s and largely fade ¶ from the scene over time. That, I’m afraid, is a pipe dream. The reality is that international ¶ terrorism will remain a potent force for years and possibly generations to come. Recognizing ¶ this reality, both Presidents Bush and Obama have made a concerted effort to look beyond the ¶ threats of the day and to focus on regularizing and institutionalizing our counterterrorism ¶ measures for the future -- as most recently evidenced by the Administration’s effort to develop ¶ lasting procedures and rules of engagement for the use of drone strikes. ¶ Finally, Congressional action has provided one other very important element to our ¶ counterterrorism initiatives -- a measure of political legitimacy that could never be achieved ¶ through unilateral executive action. At several important junctures since 9/11, Congress has ¶ undertaken to carefully consider and pass legislation in sensitive areas of executive action, such ¶ as the legislation authorizing and governing the Military Commissions and the amendments to ¶ our Foreign Intelligence Surveillance Act. On each such occasion, Congress’ action had the ¶ effect of calming public concerns and providing a level of political legitimacy to the Executive ¶ Branch’s counterterrorism efforts. That legitimizing effect -- and its continuation through ¶ meaningful oversight -- is critical to maintaining the public’s confidence in the means and methods our government uses in its fight against international terrorism. It also provides assurance to our foreign partners and thereby encourages them to engage in the operational cooperation that is so critical to the success of our combined efforts against international terrorism.

#### Turning the tide is critical – al-Qaeda affiliates pose a high risk of nuclear and biological terrorism

Allison 12

[Graham,IR Director @ Harvard, Director, Belfer Center for Science and International Affairs; Douglas Dillon Professor of Government, Harvard Kennedy School, "Living in the Era of Megaterror", Sept 7, <http://belfercenter.ksg.harvard.edu/publication/22302/living_in_the_era_of_megaterror.html>. BJM]

Forty years ago this week at the Munich Olympics of 1972, Palestinian terrorists conducted one of the most dramatic terrorist attacks of the 20th century. The kidnapping and massacre of 11 Israeli athletes attracted days of around-the-clock global news coverage of Black September’s anti-Israel message. Three decades later, on 9/11, Al Qaeda killed nearly 3,000 individuals at the World Trade Center and the Pentagon, announcing a new era of megaterror. In an act that killed more people than Japan’s attack on Pearl Harbor, a band of terrorists headquartered in ungoverned Afghanistan demonstrated that individuals and small groups can kill on a scale previously the exclusive preserve of states. Today, how many people can a small group of terrorists kill in a single blow? Had Bruce Ivins, the U.S. government microbiologist responsible for the 2001 anthrax attacks, distributed his deadly agent with sprayers he could have purchased off the shelf, tens of thousands of Americans would have died. Had the 2001 “Dragonfire” report that Al Qaeda had a small nuclear weapon (from the former Soviet arsenal) in New York City proved correct, and not a false alarm, detonation of that bomb in Times Square could have incinerated a half million Americans. In this electoral season, President Obama is claiming credit, rightly, for actions he and U.S. Special Forces took in killing Osama bin Laden. Similarly, at last week’s Republican convention in Tampa, Jeb Bush praised his brother for making the United States safer after 9/11. There can be no doubt that the thousands of actions taken at federal, state and local levels have made people safer from terrorist attacks. Many are therefore attracted to the chorus of officials and experts claiming that the “strategic defeat” of Al Qaeda means the end of this chapter of history. But we should remember a deeper and more profound truth. While applauding actions that have made us safer from future terrorist attacks, we must recognize that they have not reversed an inescapable reality: The relentless advance of science and technology is making it possible for smaller and smaller groups to kill larger and larger numbers of people. If a Qaeda affiliate, or some terrorist group in Pakistan whose name readers have never heard, acquires highly enriched uranium or plutonium made by a state, they can construct an elementary nuclear bomb capable of killing hundreds of thousands of people. At biotech labs across the United States and around the world, research scientists making medicines that advance human well-being are also capable of making pathogens, like anthrax, that can produce massive casualties. What to do? Sherlock Holmes examined crime scenes using a method he called M.M.O.: motive, means and opportunity. In a society where citizens gather in unprotected movie theaters, churches, shopping centers and stadiums, opportunities for attack abound. Free societies are inherently “target rich.” Motive to commit such atrocities poses a more difficult challenge. In all societies, a percentage of the population will be homicidal. No one can examine the mounting number of cases of mass murder in schools, movie theaters and elsewhere without worrying about a society’s mental health. Additionally, actions we take abroad unquestionably impact others’ motivation to attack us. As Faisal Shahzad, the 2010 would-be “Times Square bomber,” testified at his trial: “Until the hour the U.S. ... stops the occupation of Muslim lands, and stops killing the Muslims ... we will be attacking U.S., and I plead guilty to that.” Fortunately, it is more difficult for a terrorist to acquire the “means” to cause mass casualties. Producing highly enriched uranium or plutonium requires expensive industrial-scale investments that only states will make. If all fissile material can be secured to a gold standard beyond the reach of thieves or terrorists, aspirations to become the world’s first nuclear terrorist can be thwarted. Capabilities for producing bioterrorist agents are not so easily secured or policed. While more has been done, and much more could be done to further raise the technological barrier, as knowledge advances and technological capabilities to make pathogens become more accessible, the means for bioterrorism will come within the reach of terrorists. One of the hardest truths about modern life is that the same advances in science and technology that enrich our lives also empower potential killers to achieve their deadliest ambitions. To imagine that we can escape this reality and return to a world in which we are invulnerable to future 9/11s or worse is an illusion. For as far as the eye can see, we will live in an era of megaterror.

#### Nuclear terrorism causes nuclear escalation –retaliation goes global, it’s highly likely and rapid

Morgan 09

(Professor of Foreign Studies at Hankuk University, Dennis Ray, December, “World on fire: two scenarios of the destruction of human civilization and possible extinction of the human race” Futures, Vol 41 Issue 10, p 683-693, ScienceDirect)

In a remarkable website on nuclear war, Carol Moore asks the question “Is Nuclear War Inevitable??” In Section , Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve figured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian “dead hand” system, “where regional nuclear commanders would be given full powers should Moscow be destroyed,” it is likely that any attack would be blamed on the United States” Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal “Samson option” against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even “anti-Semitic” European cities In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or “lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the “use them or lose them” strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to “win” the war. In other words, once Pandora's Box is opened, it will spread quickly, as it will be the signal for permission for anyone to use them. Moore compares swift nuclear escalation to a room full of people embarrassed to cough. Once one does, however, “everyone else feels free to do so. The bottom line is that as long as large nation states use internal and external war to keep their disparate factions glued together and to satisfy elites’ needs for power and plunder, these nations will attempt to obtain, keep, and inevitably use nuclear weapons. And as long as large nations oppress groups who seek self-determination, some of those groups will look for any means to fight their oppressors” In other words, as long as war and aggression are backed up by the implicit threat of nuclear arms, it is only a matter of time before the escalation of violent conflict leads to the actual use of nuclear weapons, and once even just one is used, it is very likely that many, if not all, will be used, leading to horrific scenarios of global death and the destruction of much of human civilization while condemning a mutant human remnant, if there is such a remnant, to a life of unimaginable misery and suffering in a nuclear winter. In “Scenarios,” Moore summarizes the various ways a nuclear war could begin: Such a war could start through a reaction to terrorist attacks, or through the need to protect against overwhelming military opposition, or through the use of small battle field tactical nuclear weapons meant to destroy hardened targets. It might quickly move on to the use of strategic nuclear weapons delivered by short-range or inter-continental missiles or long-range bombers. These could deliver high altitude bursts whose electromagnetic pulse knocks out electrical circuits for hundreds of square miles. Or they could deliver nuclear bombs to destroy nuclear and/or non-nuclear military facilities, nuclear power plants, important industrial sites and cities. Or it could skip all those steps and start through the accidental or reckless use of strategic weapons.

#### Bioattack causes extinction

Steinbrenner 97

(John D. Steinbrenner, Brookings Senior Fellow, 1997, Foreign Policy, "Biological weapons: a plague upon all houses," Winter, InfoTrac)

Although human pathogens are often lumped with nuclear explosives and lethal chemicals as potential weapons of mass destruction, there is an obvious, fundamentally important difference: Pathogens are alive, weapons are not. Nuclear and chemical weapons do not reproduce themselves and do not independently engage in adaptive behavior; pathogens do both of these things. That deceptively simple observation has immense implications. The use of a manufactured weapon is a singular event. Most of the damage occurs immediately. The aftereffects, whatever they may be, decay rapidly over time and distance in a reasonably predictable manner. Even before a nuclear warhead is detonated, for instance, it is possible to estimate the extent of the subsequent damage and the likely level of radioactive fallout. Such predictability is an essential component for tactical military planning. The use of a pathogen, by contrast, is an extended process whose scope and timing cannot be precisely controlled. For most potential biological agents, the predominant drawback is that they would not act swiftly or decisively enough to be an effective weapon. But for a few pathogens - ones most likely to have a decisive effect and therefore the ones most likely to be contemplated for deliberately hostile use - the risk runs in the other direction. A lethal pathogen that could efficiently spread from one victim to another would be capable of initiating an intensifying cascade of disease that might ultimately threaten the entire world population. The 1918 influenza epidemic demonstrated the potential for a global contagion of this sort but not necessarily its outer limit. Nobody really knows how serious a possibility this might be, since there is no way to measure it reliably.

**New gene manipulation takes out their defense**

MSNBC 2011

(“Clinton warns of bioweapon threat from gene tech,” pg online @ http://www.msnbc.msn.com/id/45584359/ns/… “For an international verification system — akin to that for nuclear weapons — saying it is too complicated to monitor every lab's activities.”)

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

#### Ambiguity will force a collapse of operations in Yemen & Somalia

Chesney 12

Chesney, 2012 [Robert, Professor University of Texas School of Law, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism”, THE UNIVERSITY OF TEXAS SCHOOL OF LAW Public Law and Legal Theory Research Paper No. 227, Aug 29, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>, BJM]

**The drawdown in Afghanistan**, combined with the expansion of the shadow war model, ensures that the **legal architecture of counterterrorism will be far more contested**—and hence unstable—going forward than it was during the first post-9/11 decade. When U.S. involvement in overt armed conflict in Afghanistan comes to an end, so too will the other key stabilizing factor identified in Part II: the existence of at least one location as to which LOAC indisputably applies, and as to which many cases could be linked.189 The fact patterns that will matter most in the future—i.e., the instances in which the U.S. government will be most likely to wish to use lethal force or military detention—will instead increasingly be rooted in other locations, such as Yemen and Somalia. **It does not follow that LOAC accordingly will be irrelevant to future instances of** detention or lethal force. To the extent that the government continues to invoke LOAC, its arguments will be more or less persuasive from case to case. In some contexts, for example, the government can make relatively-conventional arguments to the effect that the level of violence in a given state has risen to a level constituting a non-international armed conflict, quite apart from whether there also exists a borderless armed conflict with al Qaeda or its successors. Where that is the case, and where the level of U.S. participation in those hostilities warrants the conclusion that it is a party to such a conflict, LOAC arguments may prove persuasive after all. Yemen currently provides a good example of an area ripe for such an analysis.190 But even in those cases, the very nature of the shadow war approach is such that there can be no guarantees that such arguments will be accepted, certainly not as was the case during the first post-9/11 decade vis-à-vis Afghanistan. And since not all shadow war contexts will match Yemen in terms of supporting such a conventional analysis, attempts to invoke LOAC in some cases will have to stand or fall instead on the far-broader argument that the United States is engaged in a borderless armed conflict governed by LOAC wherever the parties may be found. The borderless-conflict position at first blush appears nicely entrenched in the status quo legal architecture. It is supported, after all, by a substantial degree of cross-party consensus (it was endorsed most recently in a series of speeches by Obama administration officials).191 But it has always been fiercely disputed, including by the ICRC and many of America’s allies. That dispute was not so much resolved over the past decade as persistently avoided; the caselaw of that era almost always involved persons who could be linked in some way back to the undisputed combat zone of Afghanistan. Thanks to the U.S. government’s shift toward shadow war, however, this will not be the situation going forward when new cases arise, as they are sure to do.192 Making matters worse, the U.S. government’s position on the relevance of LOAC to its use of detention and lethal force may become harder to maintain **going forward** even without a drawdown in Afghanistan. The reason why has to do with the decline and fragmentation of al Qaeda. The borderless-conflict position does require, after all, identifiable parties on both sides. Even if one accepts that the United States and al Qaeda are engaged in a borderless armed conflict, in other words, organizational ambiguity of the sort described above will increasingly call into question whether specific cases are sufficiently linked to that conflict (or to any other that might be said to exist with respect to specific al Qaeda-linked groups, such as AQAP). Again Warsame’s situation provides a useful illustration, or perhaps more accurately, a cautionary tale.

#### Defeating AQAP in Yemen is key—prevents regional attacks on nearby waterways

Terrill 13

[Dr. W. Andrew Terrill, Research Professor of National Security Affairs, retired Lt. Col., Strategic Studies Institute and U.S. Army War College Press, June, “THE STRUGGLE FOR YEMEN AND THE CHALLENGE OF AL-QAEDA IN THE ARABIAN PENINSULA” http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1157]

U.S. support for Yemen remains important, and the United States must not regard the fight against AQAP as largely over because of the defeat of their insurgent forces in the south. This analysis has shown that **AQAP remains a dangerous and effective force despite** these **setbacks**. There are also important reasons for defeating AQAP and its allies in Yemen, even if this does not destroy the organization **and** **instead leads it to move operations** **to** prospective sanctuaries in **other** remote **parts of the world**. Yemen is one of the worst places on earth to cede to terrorists due to its **key strategic location**, including a long border with Saudi Arabia. It also dominates one of the region’s key waterways, the **Bab al-Mandeb Strait** **which controls access to the** southern **Red Sea**. Furthermore, the problem of Yemen based-terrorism remains an important international threat which cannot be ignored, as indicated by repeated AQAP efforts to attack the U.S. homeland.

#### New AQ merger proves a risk of waterway attack is high

Thomas 13

Thomas, Aug 8, 2013 [Matthew J., Monterey Institute of International Studies, “Exposing and exploiting weaknesses in the merger of Al- Qaeda and Al-Shabaab”, <http://www.tandfonline.com/loi/fswi20>, SG]

Still, **the merger may** pose new challenges **that amplify the threat of al-Qaeda**,27 as the terrorist **o**rganization’s rising influence in Africa may lead to a trans-Saharan ‘**arc of instability’** with both regional and international consequences.28 **Having strategically expanded its operational reach into the Horn of Africa** (HOA), al-Qaeda may encourage al-Shabaab and its Yemeni affiliate al-Qaeda in the Arabian Peninsula (AQAP) to carry out more attacks against Western interests abroad **and disrupt the flow of oil** through the geostrategic Bab al-Mandeb Strait in the Gulf of Aden. Furthermore, al-Qaeda now has unrestricted access to al-Shabaab’s unprecedented number of Western recruits, many of whom are US and European passport holders, and may encourage them to infiltrate back into various Western nations in order carry out and/or incite domestic terrorist attacks.29

#### Bab El Mandeb strait is critical to global commerce and US hegemony

Mountain, 2012

[Thomas, independent western journalist based in the Horn of Africa , Kavaz Center, “Could AQAP and al-Shabaab cause the death of the U.S.?”. News Fact Analysis, http://www.foreignpolicyjournal.com/2011/11/19/choke-point-bab-el-mandeb-understanding-the-strategically-critical-horn-of-africa/, BJM]

The Horn of Africa is one of the most **strategically critical regions** in the world with the narrow passage where the Red Sea joins the Indian Ocean, the Bab el-Mandeb, **being a potential choke point** for much of the worlds commerce, wrote in his article Thomas Mountain. **Almost all** of the **trade between the E**uropean **U**nion **and** **China, Japan, India** **and the rest of Asia passes through the Bab el-Mandeb** everyday. Up to 30% of the worlds oil, including all of the oil and natural gas from the Persian Gulf heading west passes through the Horn of Africa daily. Who controls the Horn of Africa **controls a major chunk of the** **worlds economies**. Mr. Mountain indicates that the CIA, MI6 and all the western intelligence agencies know all to well just how critical the Horn of Africa is. The journalist suggests the following scenario: Somalia (or Yemen) became a strong, united, independent, and well armed Islamic country, and seeing the NATO attack on Libya, declares that no EU or USA bound shipments of goods, oil or natural gas would be allowed to pass through the Bab el-Mandeb as long as NATO bombardments of Libya continue. How long would the EU economies be able to hold out without the energy supplies from the Persian Gulf or the vital Asian imports?, asks Mr. Mountain. Is it even conceivable that the USA and its NATO allies would allow a scenario such as this to develop? Understanding this is crucial to understanding why the western powers conduct such a criminal policy in the Horn of Africa, writes Mr. Mountain. The USA, still the worlds lone superpower, has a policy of using local enforcers, policemen on the beat, to do its dirty work in areas of the world of critical importance to its interests. In South America the USA uses Columbia as its local gendarme or strongman to try and keep the region in line. In West Africa the USA uses Nigeria, in the Middle East, "Israel" and in East Africa the main USA mafioso enforcer is Ethiopia. Every year the USA and its western underlings pour some $ 7 billion into keeping the Ethiopian regime headed by the former Marxist-Leninist guerilla leader Meles Zenawi afloat making Ethiopia one of the most aid dependent countries in the world and a rival to "Israel" as the largest recipients of western aid on the planet. For this the USA can order Meles Zenawi to send his army to invade Somalia in the name of the "War on Terror" in 2006. Earlier, in 2000, Ethiopia invaded Eritrea (see map), again at the urging of the USA. Today, the USA is paying the salaries of some 10,000 Ethiopian Army "peacekeepers" deployed around Abeye (see map), the oil producing region on the border between north and South Sudan. For these and other crimes in the service of Pax Americana Ethiopian Prime Minister Meles Zenawi has a permanent "get out of jail free" card, or blanket immunity. He has at least a billion dollars stashed in his mainly London bank accounts for the not so distant day when he boards his final flight out of Addis Ababa, writes Mr. Mountain. Whether it was former Brit PM Tony Blair anointing Meles Zenawi as chair of the short lived Africa Commission to the Obama White house arranging for Meles to stride the stage of the latest G-20 meeting of world leaders. With the largest, best equipped army in Africa, Ethiopia has a job to do and first and foremost it is to make sure that the region surrounding the Bab el-Mandeb choke point remains firmly under western control. For he who controls Bab el-Mandeb has his fingers around the throats of both the EU and Asia's economies. Today the USA's grip on the region is increasingly in doubt, for the Ethiopian regime is ever closer to the day of its demise and what comes after Meles Zenawi's departure could shake the world as we know it. Choke Point Bab el-Mandeb is **strategically critical** in today's world and just how important can be judged by how careful the western media is in covering the region. Almost nothing is allowed in the news that might hasten the day of Meles Zenawi's departure. Meles must stride the G-20 stage once again for all the world to see that he remains the anointed defender of western control of the Bab el-Mandeb, writes Mr. Mountain. **The day the USA loses control of the Bab el-Mandeb may** very well **mark the end of the USA's days as the worlds lone superpower and it's control of the world** as we know it.

#### Triggers immediate global economic collapse

Korin & Luft 4

Anne Korin, Director of Policy and Strategic Planning at IAGS and Editor of Energy Security, and Gal Luft, Institute for the Analysis of Global Security, Nov/Dec Foreign Affairs, “Terrorism Goes to Sea” http://www.cfr.org/world/terrorism-goes-sea/p7545

Such experts, however, fail to realize that the popular perception that the international community has eliminated sea piracy **is far from true**. Not only has piracy never been eradicated, but the number of pirate attacks on ships has also **tripled in the past decade**-putting piracy at its highest level in modern history. And contrary to the stereotype, today's pirates are often trained fighters aboard speedboats equipped with satellite phones and global positioning systems and armed with automatic weapons, antitank missiles, and grenades. Most disturbingly, the scourges of piracy and terrorism are increasingly intertwined: piracy on the high seas **is becoming a key tactic of terrorist groups**. Unlike the pirates of old, whose sole objective was quick commercial gain, many of today's pirates are maritime terrorists with an ideological bent and a broad political agenda. This nexus of piracy and terrorism is especially dangerous for energy markets: **most of the world's oil and gas is shipped through the world's most piracy-infested waters**. ROUGH WATERS Water covers almost three-quarters of the globe and is home to roughly 50,000 large ships, which carry 80 percent of the world's traded cargo. The sea has always been an anarchic domain. Unlike land and air, it is barely policed, even today. Since many shipping companies do not report incidents of piracy, for fear of raising their insurance premiums and prompting protracted, time-consuming investigations, the precise extent of piracy is unknown. But statistics from the International Maritime Bureau (IMB), a piracy watchdog, suggest that both the frequency and the violence of acts of piracy have increased in recent years. In 2003, ship owners reported 445 attacks, in which 92 seafarers were killed or reported missing and 359 were assaulted and taken hostage. (Ships were hijacked in 19 of these cases and boarded in 311.) From 2002 to 2003, the number of those killed and taken hostage in attacks nearly doubled. Pirates have also increased their tactical sophistication, often surrounding a target ship with several boats and firing machine guns and antitank missiles to force it to stop. As Singapore's Deputy Prime Minister Tony Tan recently warned, "piracy is entering a new phase; recent attacks have been conducted with almost military precision. The perpetrators are well-trained, have well laid out plans." The total damage caused by piracy-due to losses of ships and cargo and to rising insurance costs-now amounts to $16 billion per year. Many pirates, especially those in eastern Asia, belong to organized crime syndicates comprising corrupt officials, port workers, hired thugs, and businessmen who dispose of the booty. Grossly underpaid maritime security personnel have also begun to enter the business; many are complicit, and some are actively involved, in attacks. **Pirates and Islamist terrorist groups have long operated** in the same areas, including the Arabian Sea, the South China Sea, and in waters off the coast of western Africa. Now, in the face of massive international efforts to freeze their finances, **terrorist groups have come to view piracy as a potentially rich source of funding**. This appeal is particularly apparent in the Strait of Malacca, the 500-mile corridor separating Indonesia and Malaysia, where 42 percent of pirate attacks took place in 2003. According to Indonesia's state intelligence agency, detained senior members of Jemaah Islamiyah, the al Qaeda-linked Indonesian terrorist group, have admitted that the group has considered launching attacks on Malacca shipping. And uniformed members of the Free Aceh Movement, an Indonesian separatist group that is also one of the most radical Islamist movements in the world, have been hijacking vessels and taking their crews hostage at an increasing rate. The protracted ransom negotiations yield considerable sums-the going rate is approximately $100,000 per ship-later used to procure weapons for sustained operations against the Indonesian government. In some cases, the Free Aceh Movement has demanded the release of members detained by the government in exchange for hostages. The string of maritime attacks perpetrated in recent years demonstrates that terror has indeed gone to sea. In January 2000, al Qaeda attempted to ram a boat loaded with explosives into the USS The Sullivans in Yemen. (The attack failed only because the boat sank under the weight of its lethal payload.) After this initial failure, al Qaeda suicide bombers in a speedboat packed with explosives blew a hole in the USS Cole, killing 17 sailors, in October 2000. In October 2002, an explosives-laden boat hit the French oil tanker Limburg off the coast of Yemen. In February 2004, the southern Philippines-based Abu Sayyaf claimed responsibility for an explosion on a large ferry that killed at least 100 people. And according to FBI Director Robert Mueller, "any number of attacks on ships have been thwarted." In June 2002, for example, the Moroccan government arrested a group of al Qaeda operatives suspected of plotting raids on British and U.S. tankers passing through the Strait of Gibraltar. Terrorist groups such as Hezbollah, Jemaah Islamiyah, the Popular Front for the Liberation of Palestine-General Command, and Sri Lanka's Tamil Tigers have long sought to develop a maritime capability. Intelligence agencies estimate that al Qaeda and its affiliates now own dozens of phantom ships-hijacked vessels that have been repainted and renamed and operate under false documentation, manned by crews with fake passports and forged competency certificates. Security experts have long warned that terrorists might try to ram a ship loaded with explosive cargo, perhaps even a weapon of mass destruction, into a **major port or terminal**. Such an attack could **bring international trade to a halt, inflicting multi-billion-dollar damage on the world economy.** BLACK GOLD Following the attack on the Limburg, Osama bin Laden released an audio tape warning of attacks on economic targets in the West: "By God, the youths of God are preparing for you things that would fill your hearts with terror and target your economic lifeline until you stop your oppression and aggression." It is no secret that one of the most effective ways for terrorists to disrupt the global economy **is to attack oil supplies**-in the words of al Qaeda spokesmen, "the provision line and the feeding artery of the life of the crusader nation." With global oil consumption at 80 million barrels per day and spare production capacity gradually eroding, **the oil market has little wiggle room**. As a result, **supply disruptions can have a devastating impact on oil prices**-as terrorists well know. U.S. Energy Secretary Spencer Abraham has repeatedly warned that "terrorists are looking for opportunities to impact the world economy" **by targeting energy infrastructure**. In recent years, terrorists have targeted pipelines, refineries, pumping stations, and tankers in some of the world's most important energy reservoirs, including Iraq, Nigeria, Saudi Arabia, and Yemen. In fact, since September 11, 2001, strikes on oil targets have become almost routine. In October 2001, Tamil Tiger separatists carried out a coordinated suicide attack by five boats on an oil tanker off northern Sri Lanka. Oil facilities in Nigeria, the United States' fifth-largest oil supplier, have undergone numerous attacks. In Colombia, leftist rebels have blown so many holes in the 480-mile Ca-o Lim -- n-Cove-as pipeline that it has become known as "the flute." And in Iraq, more than 150 attacks on the country's 4,000-mile pipeline system have hindered the effort to resume oil production, denying Iraqis funds necessary for the reconstruction effort. In April 2004, suicide bombers in three boats blew themselves up in and around the Basra terminal zone, one of the most heavily guarded facilities of its kind in the world. Particularly vulnerable to oil terrorism is Saudi Arabia, which holds a quarter of the globe's oil reserves and, as the world's leading exporter, accounts for one-tenth of daily oil production. Al Qaeda is well aware that a successful attack on one of the kingdom's major oil facilities would rattle the world and send oil prices through the ceiling. In the summer of 2002, a group of Saudis was arrested for plotting to sabotage the world's largest offshore oil-loading facility, Ras Tanura, through which up to a third of Saudi oil flows. More recently, in May 2004, jihadist gunmen opened fire on foreign workers in Yanbu, Saudi Arabia's petrochemical complex on the Red Sea, killing five foreign nationals. Later in the same month, Islamic extremists seized and killed 22 foreign oil workers in the Saudi city of Khobar. All of these attacks caused major disruptions in the oil market and a spike in insurance premiums, **bringing oil prices to their highest level since 1990**. Whereas land targets are relatively well protected, **the super-extended energy umbilical cord that extends by sea** to connect the West and the Asian economies with the Middle **East is more vulnerable than ever**. Sixty percent of the world's oil is shipped by approximately 4,000 slow and cumbersome tankers. These vessels have little protection, and when attacked, they have nowhere to hide. (Except on Russian and Israeli ships, the only weapons crewmembers have today to ward off attackers are high-powered fire hoses and spotlights.) If a single tanker were attacked on the high seas, the impact on the energy market would be marginal. But **geography forces the tankers to pass through strategic chokepoints,** many of which are **located** in areas **where terrorists with maritime capabilities are active**. These channels-**major points of vulnerability for the world economy**-are so narrow at points that a single burning supertanker and its spreading oil slick could block the route for other vessels. Were terrorist pirates to hijack a large bulk carrier or oil tanker, sail it into one of the chokepoints, and scuttle it to block the sea-lane, **the consequences for the global economy would be severe**: a spike in oil prices, an increase in the cost of shipping due to the need to use alternate routes, congestion in sea-lanes and ports, more expensive maritime insurance, and probable environmental disaster. Worse yet would be several such attacks happening simultaneously in multiple locations worldwide. The Strait of Hormuz, connecting the Persian Gulf and the Arabian Sea, is only 1.5 miles wide at its narrowest point. Roughly 15 million barrels of oil are shipped through it daily. Between 1984 and 1987, when tankers were frequently attacked in the strait, shipping in the gulf dropped by 25 percent, causing the United States to intervene militarily. Since then, the strait has been relatively safe, but **the war on terrorism has brought new threats.** In his 2003 State of the Union address, President George W. Bush revealed that U.S. forces had already prevented terrorist attacks on ships there. **Bab el Mandeb**, the entrance to the Red Sea and a conduit for 3.3 million barrels per day, also **is only 1.5 miles wide at its narrowest** **point**. The Bosporus, linking the Black Sea to the Mediterranean, is less than a mile wide in some areas; ten percent of the 50,000 ships that pass through it each year are tankers carrying Russian and Caspian oil.

#### Global nuclear war

Royal 10

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

Less intuitive is how periods of economic decline may increase the likelihood of external conflict**.** Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that **rhythms in the** global **economy are associated with the** rise and **fall of a** pre-eminent **power and** the often **bloody transition** from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to uncertainty about power balances, **increasing** the **risk of miscalculation** (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the **likelihood for conflict increases,** as **states will be inclined to use force to gain** access to those **resources.** Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) **find a strong correlation between internal** conflict **and external conflict**, particularly **during periods of** economic **downturn**. They write: The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to **amplify the extent** to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory" suggests that, when facing unpopularity arising from economic decline**,** sitting **governments have increased incentives to fabricate** external military **conflicts to create a 'rally** around the flag' **effect.** Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science **scholarship links** economic **decline with** external **conflict** at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

## Advantage 2 - Legitimacy

#### Obama is using the ambiguity to interpret “associated forces” that fall under the AUMF to wage an endless war on terror

Gettinger, 5/18

[Dan, Bard College, “News Analysis: The Forever War Evermore”, Center for the Study of the Drone, <http://dronecenter.bard.edu/news-analysis-the-forever-war-evermore/>, BJM]

There is a **storm** brewing in Washington over the power to wage war. In a hearing on Capitol Hill last Thursday, the Senate Armed Services Committee heard arguments about the Authorization for Use of Military Force (AUMF), the 2001 legislation that gave President Bush the authority to wage war against al-Qaeda. However, the international terrorist organization has today evolved from the centrally-led hierarchy of the last decade to a number of far more disparate and diverse groups. **At stake is the Obama administration’s ability**, as the LA Times reported last March, **to intervene** using drones in conflicts such as Syria **and**, broadly, **the authority that Congress has to declare war**. The SASC hearing was upsetting for many of those present. Even experienced national security lawyers like Jack Goldsmith, a Harvard Law Professor and author of Power and Constraint, admitted about the hearing, “I thought I knew what the application [of the AUMF] meant, but I’m less confident now.” The hearing revealed the full spectrum of groups that the Administration and DOD lawyers consider targetable under the current provisions of the AUMF. The following is an exchange between Senator Donnelly, an Indiana Democrat, and several DOD lawyers concerning the powerful Syrian al-Nusra Front: Donnelly: Would you call the al Nusra front in Syria an AQ affiliated terrorist group? Sheehan: Yes sir, I would. Donnelly: Would you say that the AUMF applies to the al Nusra front? . . . Taylor: As with many things with Syria, we’re looking very hard and very carefully and I don’t have a definitive answer for you at the moment. Donnelly: . . . Would we have the ability to act against al Nusra today under the AUMF? Sheehan: Yes sir, we’d have that ability to act against al Nusra if we felt they were threatening our security. We would have the authority to do that today. Donnelly: Do we feel today that al Nusra is threatening our security? Sheehan: I don’t want to get in in this setting for how we target different groups and organizations around the world. Excerpt courtesy of Lawfare Blog Under the provisions of the 2001 Authorization for Use of Military Force, the President is permitted to: “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons” To this end, the United States currently has multiple drone programs running, such as surveillance over Iran and Libya, combat missions in Afghanistan and targeted strikes in Yemen, Pakistan and Somalia. Some Senators, such as John McCain, seek to expand these provisions, arguing that the “dramatically changed landscape that we have in this war on Muslim extremism and Al Qaeda and others” requires a new set of rules. The military is in favor of keeping the Authorization as it stands. Michael Sheehan, the assistant secretary of defense for special operations, said in the recent hearing that “as of right now, it suits us very well,” and added that the war against al-Qaeda could last “at least 10 to 20 years.” The war in the next two decades is likely to take the form of covert operations and drone strikes run out of a constellation of forward operating bases strategically placed in countries like Djibouti. In October, 2012 the Washington Post concluded a three part series on the use of drones by the Obama administration with an article on the American base in Djibouti that is the hub for drone operations in the Middle East and the Horn of Africa. At least sixteen times each day at Camp Lemonnier, a former outpost for the French Foreign Legion, drones take off for operations in East Africa or, more often, in Yemen. As the “busiest drone base outside the Afghan war zone,” Camp Lemonnier offers “a model for fighting a new generation of terrorist groups” and a glimpse into the secretive world of covert counter-terrorism operations. It is a world into which the public receive only fleeting glances but one that is at the center of the debate over the future of American military intervention and the status of our common enemy. What is an ‘associated force’? At the heart of the testimony on Thursday and of the debate over the AUMF is the ambiguous definition of which groups and persons constitute an ‘associated force,’ thereby making them targetable. In March of 2009, the Obama administration submitted a court brief in which they first use the term ‘associated force’ to describe their extension of the AUMF powers: The President also has the authority to detain persons who were part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. Confusingly, the term ‘associated force’ never appears in the actual AUMF legislation; it serves as an ambiguous shorthand to describe anyone who has aided those who perpetrated the 9/11 attacks. Many fear that retaining the **malleable standards** for target qualification **will result in a ‘forever war**.’ In Hamlily v Obama, a case that affirmed the administration’s use of ‘associated force’ as part of AUMF, Judge Bates qualified that, “‘associated forces’ do not include terrorist organizations who merely share an abstract philosophy or even a common purpose with al-Qaeda – there must be an actual association in the current conflict with al-Qaeda or the Taliban.’” The difficulty lies in the fact that the threats to the United States, as DHS Secretary Janet Napolitano noted, are “not limited to the al-Qaeda core group, or organizations that have close operational links to al-Qaeda. While al-Qaeda continues to threaten America directly, it also inspires its affiliates and other groups and individuals who share its violent ideology and seek to attack the United States…” The al-Qaeda emerging today is no longer the hierarchical organization based in Afghanistan and Pakistan but rather comprises of several tiers with varying degrees of affiliation with the official al-Qaeda group. The offshoot based in Yemen, al-Qaeda in the Arab Peninsula (AQAP), has been the most targeted core-affiliated group, particularly after their several attempts to attack American soil. However, some third-tier terror groups are also supplanting second-tier groups like AQAP. A 2011 report by the Center for Strategic and International Studies describes how, after ten years of ‘degrading’ the al-Qaeda core organization, “policymakers grew more concerned about cells and individuals that were not regularly associated with al-Qaeda or its affiliates but that drew clear inspiration and occasional guidance and support, from the groups.” The 2012 assassination of Christopher Stevens, the American Ambassador to Libya, offers a recent example of the expanding and elusive character of terrorist threats. Robert Chesney, a professor at the University of Texas School of Law, who was also present at last week’s SASC hearing, writes that “the general thrust of these changes [within al-Qaeda] has been to weaken the central organization relative to an emerging set of regional organizations that may share al-Qaeda’s brand but are not necessarily responsive to its direction and control.”Chesney goes on to explain how decentralization is central to the survival of al-Qaeda and that the growth of these localized groups that are based on the model of al-Shabab (Somalia) or Boko Haram (Nigeria) will continue. While terrorist groups differ in their individual goals and connection with core or affiliated al-Qaeda branches, the move toward decentralization is not without supporters among some “influential theorists of jihad- most notably Abu Musab al-Suri. Mustafa Setmariam Nasar, known as al-Suri, is a Syrian member of the al-Qaeda core and regarded as a key strategic thinker of the jihadist movement. Radicalized in the Syrian Muslim Brotherhood, Setmariam served as a lecturer at al-Qaeda training camps in Afghanistan before the fall of the Taliban and is linked to the planning of the 2004 Madrid bombings. However, he his most known for the strategic concept of “‘individual terrorism’” that he intends to “replace the hierarchically orchestrated terrorism of Al Qaeda.” The authors of Abu Musab Al Suri: Architect of the New Al Qaeda, Paul Cruickshank and Mohannad Hage Ali, argue that Setmariam’s work has “made a very significant impact” in the face of the destruction of the centralized organization with its training camps and bureaucracy in Afghanistan and, more recently, Pakistan. This concept, familiar in the United States as “‘leaderless resistance,’” “maximizes operational security, as one cannot unravel a network after identifying one or more key nodes when there is no network.” The rise of Islamists in Mali, the attack on the American Embassy in Libya, and the infiltration of radical Islamists among the rebels in Syria, all appear to support the argument that the organization of al-Qaeda is becoming more diffuse, drawing inspiration and support from domestic events and causes rather than the unifying notion of ‘global jihad.’ Two More Decades of War “For you to come here and say we don’t need to change it or revise or update it, I think is, well, disturbing… I don’t blame you because basically you’ve got carte blanche as to what you are doing around the world.” Senator John McCain, Arizona It shouldn’t come as a surprise that the Obama administration **believes** it **has the power to wage war outside the ‘hot’ battlefields of Afghanistan**. In an April 2012 speech to the Wilson Center, John Brennan, who was then the national security adviser to President Obama and now serves as the chief of the CIA, said that the President has “always been clear that the end of bin Laden would neither mark the end of al-Qaeda, nor our resolve to destroy it.” The decimation of the central leadership of al-Qaeda has resulted in a shifted strategy that is in some ways **more dangerous** **than a centrally run core.** Nevertheless, last week’s hearing revealed, not only the expansive view the administration holds on targetable threats, but the very real prospect that this war could occupy the first three decades of this millennium. While it is unclear whether the Obama administration has a counter-terrorism strategy that envisions ten to twenty more years of war, the current ambiguity about the status of the war is untenable. A group of national security lawyers who testified last week, including Robert Chesney and Jack Goldsmith, argued that Congress must take a more active role in managing the designation of threats under the AUMF. While the legislation is undoubtedly out of date, it provides a useful limit on Executive branch speculation about the threat level of different groups.

#### Current AUMF provides the playbook needed to justify limitless wars. There is a small window of opportunity to prevent this from happening

Brooks 13

Professor of Law @ Georgetown University [Rosa Brooks (Senior Fellow @ New America Foundation, Former Counselor to the Undersecretary of Defense for Policy @ Department of Defense, Former Special Coordinator for Rule of Law and Humanitarian Policy @ DOD and Recipient of the [Secretary of Defense Medal for Outstanding Public Service](http://en.wikipedia.org/wiki/Secretary_of_Defense_Medal_for_Outstanding_Public_Service)), “The Constitutional and Counterterrorism Implications of Targeted Killing,” Testimony Before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, US Committee on the Judiciary, April 23, 2013, pg. http://tinyurl.com/kfaf749

Defenders of administration targeted killing policy acknowledge that the criteria for determining how to answer these many questions have not been made public, but insist that this should not be cause for concern. The Administration has reportedly developed a detailed “**playbook**” outlining the targeting criteria and procedures,40, and insiders insist that executive branch officials go through an elaborate process in which they carefully consider every possible issue before determining that a drone strike is lawful.41 ¶ No doubt they do, but this is somewhat cold comfort. Formal processes tend to further **normalize once-exceptional activities** -- and **"trust us" is a rather shaky foundation for the rule of law**. Indeed, the whole point of the rule of law is that individual lives and freedom should *not* depend solely on the good faith and benevolence of government officials. ¶ As with law of war arguments, stating that US targeted killings are clearly legal under traditional self-defense principles requires some significant **cognitive dissonance**. Law exists to **restrain untrammeled power**. It is no doubt possible to make a plausible legal argument justifying each and every U.S. drone strike -- but this merely suggests that we are working with a legal framework that has begun to outlive its usefulness. ¶ The real question isn't whether U.S. drone strikes are "legal." The real question is this: Do we really want to live in a world in which the U.S. government's justification for killing is so malleable?¶ 5. Setting Troubling International Precedents ¶ Here is an additional reason to worry about the U.S. overreliance on drone strikes: Other states will follow America's example, and the results are not likely to be pretty. Consider once again the Letelier murder, which was an international scandal in 1976: If the Letelier assassination took place today, the Chilean authorities would presumably insist on their national right to engage in “targeted killings” of individuals deemed to pose imminent threats to Chilean national security -- and they would justify such killings using precisely the **same legal theories the US currently uses** to justify targeted killings in Yemen or Somalia. We should assume that governments around the world—including those with less than stellar human rights records, such as Russia and China—are taking notice. ¶ Right now, the United States has a decided technological advantage when it comes to armed drones, but that will not last long. We should **use this window to advance a robust legal and normative framework** that will help protect against abuses by those states whose leaders can rarely be trusted. Unfortunately, we are doing the exact opposite: Instead of articulating norms about transparency and accountability, the United States is effectively handing China, Russia, and every other repressive state a **playbook** for how to foment instability and –literally -- get away with murder. ¶ Take the issue of sovereignty. Sovereignty has long been a core concept of the Westphalian international legal order.42 In the international arena, all sovereign states are formally considered equal and possessed of the right to control their own internal affairs free of interference from other states. That's what we call the principle of non-intervention -- and it means, among other things, that it is generally prohibited for one state to use force inside the borders of another sovereign state. There are some well-established exceptions, but they are few in number. A state can lawfully use force inside another sovereign state with that state's invitation or consent, or when force is authorized by the U.N. Security Council, pursuant to the U.N. Charter,43 or in self-defense "in the event of an armed attack." ¶ The 2011 Justice Department White Paper asserts that targeted killings carried out by the United States don't violate another state's sovereignty as long as that state either consents or is "unwilling or unable to suppress the threat posed by the individual being targeted." That sounds superficially plausible, but since the United States views itself as the sole arbiter of whether a state is "unwilling or unable" to suppress that threat, the logic is in fact circular. ¶ It goes like this: The United States -- using its own malleable definition of "imminent" -- decides that Person X, residing in sovereign State Y, poses a threat to the United States and requires killing. Once the United States decides that Person X can be targeted, the principle of sovereignty presents no barriers, because either 1) State Y will *consent* to the U.S. use of force inside its borders, in which case the use of force presents no sovereignty problems or 2) State Y will *not* consent to the U.S. use of force inside its borders, in which case, by definition, the United States will deem State Y to be "unwilling or unable to suppress the threat" posed by Person X and the use of force again presents no problem. ¶ This is a legal theory that more or less eviscerates traditional notions of sovereignty, and has the potential to **significantly destabilize** the already shaky **collective security regime created by the U.N.** Charter.44 If the US is the sole arbiter of whether and when it can use force inside the borders of another state, any other state strong enough to get away with it is likely to claim similar prerogatives. And, of course, if the US executive branch is the sole arbiter of what constitutes an imminent threat and who constitutes a targetable enemy combatant in an ill-defined war, why shouldn’t other states **make identical arguments**—and use them to justify the killing of dissidents, rivals, or unwanted minorities?

#### This precedent erodes norms on the use of force. Only congressional restrictions prevent drone conflicts from quickly spiraling into nuclear wars.

Boyle 13

Professor of Political Science @ La Salle University [Michael J. Boyle (Former Lecturer in International Relations and Research Fellow in the Centre for the Study of Terrorism and Political Violence @ University of St. Andrews), “The costs and consequences of drone warfare,” International Affairs 89: 1 (2013) pg. 1–29

The race for drones¶ An important, but overlooked, strategic consequence of the Obama administration’s embrace of drones is that it has generated a **new and dangerous arms race** for this technology. At present, the use of lethal drones is seen as acceptable to US policy-makers because no other state possesses the ability to make highly sophisticated drones with the range, surveillance capability and lethality of those currently manufactured by the United States. Yet the rest of the world is not far behind. At least **76 countries** have acquired UAV technology, including Russia, China, Pakistan and India.120 China is reported to have at least 25 separate drone systems currently in development.121 At present, there are 680 drone programmes in the world, an increase of over 400 since 2005.122 Many states and non-state actors hostile to the United States have begun to dabble in drone technology. Iran has created its own drone, dubbed the ‘Ambassador of Death’, which has a range of up to 600 miles.123 Iran has also allegedly supplied the Assad regime in Syria with drone technology.124 Hezbollah launched an Iranian-made drone into Israeli territory, where it was shot down by the Israeli air force in October 2012.125¶ A global arms race for drone technology is already under way. According to one estimate, global spending on drones is likely to be more than US$94 billion by 2021.126 One factor that is facilitating the spread of drones (particularly non-lethal drones) is their cost relative to other military purchases. The top-of-the line Predator or Reaper model costs approximately US$10.5 million each, compared to the US$150 million price tag of a single F-22 fighter jet.127 At that price, drone technology is already within the reach of most developed militaries, many of which will seek to buy drones from the US or another supplier. With demand growing, a number of states, including China and Israel, have begun the aggressive selling of drones, including attack drones, and Russia may also be moving into this market.128 Because of concerns that export restrictions are harming US competitiveness in the drones market, the Pentagon has granted approval for drone exports to 66 governments and is currently being lobbied to authorize sales to even more.129 The Obama administration has already authorized the sale of drones to the UK and Italy, but Pakistan, the UAE and Saudi Arabia have been refused drone technology by congressional restrictions.130 It is only a matter of time before **another supplier steps in** to offer the drone technology to countries prohibited by export controls from buying US drones. According to a study by the Teal Group, the US will account for 62 per cent of research and development spending and 55 per cent of procurement spending on drones by 2022.131 As the market expands, with new buyers and sellers, America’s ability to control the sale of drone technology will be diminished. It is likely that the US will retain a substantial qualitative advantage in drone technology for some time, but even that will fade as more suppliers offer drones that can match US capabilities.¶ The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as **Russia and China**, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed **East China Sea** Islands, which are currently under dispute with **Japan and Taiwan**.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by **rival Great Powers** whose interests do not mirror its own.¶ A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the **stability among the Great Powers** in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding **nuclear weapons**, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, **India and Pakistan**—deploying drones to **test each other’s capability and resolve**, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between **nuclear powers**, thus magnifying the risks of a **spiral of conflict** between them.¶ Another dimension of this problem has to do with the risk of accident. Drones are prone to accidents and crashes. By July 2010, the US Air Force had identified approximately 79 drone accidents.140 Recently released documents have revealed that there have been a number of drone accidents and crashes in the Seychelles and Djibouti, some of which happened in close proximity to civilian airports.141 The rapid proliferation of drones worldwide will involve a risk of accident to civilian aircraft, possibly producing an **international incident** if such an accident were to involve an aircraft affiliated to a state hostile to the owner of the drone. Most of the drone accidents may be innocuous, but some will carry strategic risks. In December 2011, a CIA drone designed for nuclear surveillance crashed in Iran, revealing the existence of the spying programme and leaving sensitive technology in the hands of the Iranian government.142 The expansion of drone technology raises the possibility that some of these surveillance drones will be interpreted as attack drones, or that an accident or crash will **spiral out of control** and lead to an **armed confrontation**.143 An accident would be even more dangerous if the US were to pursue its plans for **nuclear-powered drones**, which can spread radioactive material like a dirty bomb if they crash.144¶ Third, lethal drones create the possibility that the **norms on the use of force will erode**, creating a much more dangerous world and pushing the international system back towards the **rule of the jungle**. To some extent, this world is already being ushered in by the United States, which has set a **dangerous precedent** that a state may simply kill foreign citizens considered a threat without a declaration of war. Even John Brennan has recognized that the US is ‘establishing a precedent that other nations may follow’.145 Given this precedent, there is nothing to stop other states from **following the American lead** and using drone strikes to eliminate potential threats. Those ‘threats’ need not be terrorists, but could be others— dissidents, spies, even journalists—whose behaviour threatens a government.¶ One danger is that drone use might undermine the normative prohibition on the assassination of leaders and government officials that most (but not all) states currently respect. A greater danger, however, is that the US will have normalized murder as a tool of statecraft and created a world where states can increasingly take vengeance on individuals outside their borders without the niceties of extradition, **due process** or trial.146 As some of its critics have noted, the Obama administration may have created a world where states will find it easier to kill terrorists rather than capture them and deal with all of the **legal and evidentiary difficulties** associated with giving them a fair trial.147¶ Fourth, there is a distinct danger that the world will divide into two camps: developed states in possession of drone technology, and weak states and rebel movements that lack them. States with recurring separatist or insurgent problems may begin to police their restive territories through drone strikes, essentially containing the problem in a fixed geographical region and engaging in a largely punitive policy against them. One could easily imagine that **China**, for example, might resort to drone strikes in Uighur provinces in order to keep potential threats from emerging, or that **Russia** could use drones to strike at separatist movements in Chechnya or elsewhere. Such behaviour would not necessarily be confined to authoritarian governments; it is equally possible that **Israel** might use drones to police Gaza and the West Bank, thus reducing the vulnerability of Israeli soldiers to Palestinian attacks on the ground. The extent to which Israel might be willing to use drones in combat and surveillance was revealed in its November 2012 attack on Gaza. Israel allegedly used a drone to assassinate the Hamas leader Ahmed Jabari and employed a number of armed drones for strikes in a way that was described as ‘unprecedented’ by senior Israeli officials.148 It is not hard to imagine Israel concluding that drones over Gaza were the best way to deal with the problem of Hamas, even if their use left the Palestinian population subject to constant, unnerving surveillance. All of the consequences of such a sharp division between the haves and have-nots with drone technology is hard to assess, but one possibility is that governments with secessionist movements might be less willing to negotiate and grant concessions if drones allowed them to police their internal enemies with ruthless efficiency and ‘manage’ the problem at low cost. The result might be a situation where such conflicts are contained but not resolved, while citizens in developed states grow increasingly indifferent to the suffering of those making secessionist or even national liberation claims, including just ones, upon them.¶ Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them.¶ Conclusion¶ Even though it has now been confronted with blowback from drones in the failed Times Square bombing, the United States has yet to engage in a serious analysis of the strategic costs and consequences of its use of drones, both for its own security and for the rest of the world. Much of the debate over drones to date has focused on measuring body counts and carries the unspoken assumption that if drone strikes are efficient—that is, low cost and low risk for US personnel relative to the terrorists killed—then they must also be effective. This article has argued that such analyses are operating with an attenuated notion of effectiveness that discounts some of the other key dynamics—such as the corrosion of the perceived competence and legitimacy of governments where drone strikes take place, **growing anti-Americanism** and fresh recruitment to militant networks—that reveal the costs of drone warfare. In other words, the analysis of the effectiveness of drones takes into account only the ‘loss’ side of the ledger for the ‘bad guys’, without asking what America’s enemies gain by being subjected to a policy of constant surveillance and attack.¶ In his second term, President Obama has an opportunity to reverse course and establish a new drones policy which mitigates these costs and avoids some of the long-term consequences that flow from them. A more sensible US approach would **impose** some **limits** on drone use in order to minimize the political costs and long-term strategic consequences. One step might be to limit the use of drones to HVTs, such as leading political and operational figures for terrorist networks, while reducing or **eliminat**ing the **strikes against** the ‘foot soldiers’ or other Islamist **networks not related to Al-Qaeda**. This approach would reduce the number of strikes and civilian deaths associated with drones while reserving their use for those targets that pose a direct or imminent threat to the security of the United States.¶ Such a self-limiting approach to drones might also minimize the degree of political opposition that US drone strikes generate in states such as Pakistan and Yemen, as their leaders, and even the civilian population, often tolerate or even approve of strikes against HVTs. Another step might be to improve the levels of transparency of the drone programme. At present, there are no publicly articulated guidelines stipulating who can be killed by a drone and who cannot, and no data on drone strikes are released to the public.154 Even a Department of Justice memorandum which authorized the Obama administration to kill Anwar al-Awlaki, an American citizen, remains classified.155 Such non-transparency fuels suspicions that the US is indifferent to the civilian casualties caused by drone strikes, a perception which in turn magnifies the deleterious political consequences of the strikes. Letting some sunlight in on the drones programme would not eliminate all of the opposition to it, but it would go some way towards undercutting the worst conspiracy theories about drone use in these countries while also signalling that the US government holds itself legally and morally accountable for its behaviour.156¶ A final, and **crucial, step** towards mitigating the strategic consequences of drones would be to develop internationally recognized standards and norms for their use and sale. It is not realistic to suggest that the US stop using its drones altogether, or to assume that other countries will accept a moratorium on buying and using drones. **The genie is out of the bottle**: drones will be a fact of life for years to come. What remains to be done is to ensure that their use and sale are transparent, **regulated** and **consistent with internationally recognized** human rights **standards**. The Obama administration has already begun to show some awareness that drones are dangerous if placed in the wrong hands. A recent New York Times report revealed that the Obama administration began to develop a secret drones ‘rulebook’ to govern their use if Mitt Romney were to be elected president.157¶ The same logic operates on the international level. Lethal drones will eventually be in the hands of those who will use them with fewer scruples than President Obama has. Without a set of internationally recognized standards or norms governing their sale and use, drones will proliferate without control, be misused by governments and non-state actors, and become an instrument of repression for the strong. One remedy might be an international convention on the sale and use of drones which could establish guidelines and norms for their use, perhaps along the lines of the Convention on Certain Conventional Weapons (CCW) treaty, which attempted to spell out rules on the use of incendiary devices and fragment-based weapons.158 While enforcement of these guidelines and adherence to rules on their use will be imperfect and marked by derogations, exceptions and violations, the presence of a convention may reinforce norms against the flagrant misuse of drones and induce more restraint in their use than might otherwise be seen. Similarly, a UN investigatory body on drones would help to hold states accountable for their use of drones and begin to build a gradual consensus on the types of activities for which drones can, and cannot, be used.159 As the progenitor and leading user of drone technology, the US now has an **opportunity to show leadership** in developing an international legal architecture which might avert some of the worst consequences of their use.¶ If the US fails to take these steps, its **unchecked pursuit** of drone technology will have serious consequences for its **image and global position**. Much of American counterterrorism policy is premised on the notion that the narrative that sustains Al-Qaeda must be challenged and eventually broken if the terrorist threat is to subside over the long term. The use of drones does not break this narrative, but rather confirms it. It is ironic that Al-Qaeda’s image of the United States—as an all-seeing, irreconcilably hostile enemy who rains down bombs and death on innocent Muslims without a second thought—is inadvertently reinforced by a drones policy that does not bother to ask the names of its victims. Even the casual **anti-Americanism** common in many parts of **Europe**, the **Middle East** and **Asia**, much of which portrays the US as cruel, domineering and indifferent to the suffering of others, is reinforced by a drones policy which involves killing foreign citizens on an almost daily basis. A **choice must be made**: the US cannot rely on drones as it does now while attempting to convince others that these depictions are gross caricatures. Over time, an excessive reliance on drones will **deepen the reservoirs of anti-US sentiment**, **embolden America’s enemies** and provide other governments with a compelling public rationale to **resist a US-led international order** which is underwritten by sudden, blinding strikes from the sky. For the United States, preventing these outcomes is a matter of urgent importance in a world of rising powers and changing geopolitical alignments. No matter how it justifies its own use of drones as exceptional, the US is establishing **precedents** which others in the international system—friends and enemies, states and non-state actors—may choose to follow. Far from being a world where violence is used more carefully and discriminately, a drones-dominated world may be one where **human life is cheapened because it can so easily, and so indifferently, be obliterated** with the press of a button. Whether this is a world that the United States wants to create—or even live in—is an issue that demands attention from those who find it easy to shrug off the loss of life that drones inflict on others today. Pg. 23-29 //AT: Executive CP – Must be regulated by external actor

#### Independently, fracturing of al Qaeda creates legal instability over detention and drones strikes - plan is key to preserve their legitimacy

Chesney ‘12

[Robert Chesney ¶ University of Texas School of Law¶ August 29, 2012¶ Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism¶ Michigan Law Review, Forthcoming ¶ U of Texas Law, Public Law Research Paper No. 227. ETB]

Part I below fleshes out my baseline claim that the **status quo legal architecture reached a point of apparent stability by the close of the first post-9/11 decade.** Political debates still raged, of course, and legal criticism certainly continued in the pages of law reviews and advocacy group briefs. Yet across a range of issues—including the use of military detention at Guantanamo and in Afghanistan, the use of reformed military commissions to prosecute a narrowed set of offenses, and the use of drones to carry out lethal strikes in remote areas—the most striking fact was the emergence of cross-party and cross-branch consensus. The Obama administration famously continued rather than terminated the core elements of various Bush administration counterterrorism programs (not to mention a dramatic expansion of the drone program), and three years’ worth of habeas litigation following the Supreme Court’s famous decision in Boumediene v. Bush served primarily (and quite surprisingly to many) to validate the legal foundation of the detention system. Congress, for its part, first took the lead in reviving the military commission system, and then in the National Defense Authorization Act for Fiscal Year 2012 reinvigorated the 2001 Authorization for Use of Military Force, providing a fresh statutory foundation at least for detention operations. ¶ In Part II I make the case that **this consensus depended in significant part upon the presence of two factors.** First, throughout the first post-9/11 decade **there has always been a “hot battlefield” in Afghanistan**, an area involving high-intensity, large-footprint conventional combat operations as to which there is no serious dispute that the law of armed conflict (LOAC) applies. **This has long provided a center of gravity for the legal debate surrounding the law of counterterrorism**, ensuring that there is at least some setting in which LOAC authorities relating to detention and lethal force apply. Insofar as a given fact pattern could be linked back to Afghanistan, therefore, it has been possible to avoid thorny questions regarding the geographic scope of LOAC principles. Notably, the dozens of habeas cases of the first post-9/11 decade— which collectively have played an outsized role in the process of establishing the appearance that the law has stabilized—almost entirely involve direct links to Afghanistan (the sole exception being an al Qaeda detainee captured in the US, whose case rather tellingly produced badlysplintered judicial opinions). **Second, throughout the same period there also has been at least a working assumption that we can coherently identify the enemy by referring to al Qaeda and the Taliban** (along with glancing-but-unelaborated references to the “associated forces” of such groups). Again, the habeas caselaw has played a critical role in cementing this impression of clarity. ¶ In Part III, I demonstrate that **both of these stabilizing factors are rapidly eroding in the face of larger strategic trends concerning both al Qaeda and the U**nited **S**tates. **First, the U**nited **S**tates for a host of reasons (fiscal constraints, diplomatic pressure, and a growing sense of policy futility) **is accelerating its withdrawal from Afghanistan. Second, the U**nited **S**tates simultaneously **is shifting to a low-visibility “shadow war”** strategy that will rely on Special Operations Forces, CIA paramilitary forces, drones operated by both, proxy forces, and quiet partnerships with foreign security services. **Meanwhile, al Qaeda itself has fractured and diffused**, both in pursuit of the security that comes from geographic dispersal of personnel into new regions and also in pursuit of a strategic vision that embraces decentralization in the form of relationships with quasi-independent regional organizations that may have independent origins and agendas. **As a result, it grows increasingly difficult to speak coherently of “al Qaeda”;** the senior leadership of the original network has been decimated, and so-called franchises with uncertain (or no) ties to that leadership not only are proliferating but are rapidly emerging as more significant threats to U.S. national security. The upshot of all this is that **there soon will be no undisputed hot battlefield in existence anywhere,** **while the center of gravity with respect to the use of lethal force will continue to shift to locations like Yemen, Pakistan, and Somalia**. Already these unorthodox scenarios are the primary focus for the use of lethal force, and they will similarly be the focus should the United States resume the practice of long-term military detention for new detainees (a distinct possibility in the event of a Romney presidency). ¶ Part III also maps the disruptive legal consequences of these strategic trends. My essential point is that **the apparent stability of the post-9/11 legal architecture**—the semblance that some sort of sustained institutional settlement has occurred—**is an illusion.** As the second post-9/11 decade progresses, **policies associated with drone strikes and detention unquestionably will face increasing legal friction, casting doubt over the legality of the U.S. government use of detention and lethal force** in an array of settings. ¶ In Part IV, I take up the question whether we really ought to care about all of this and, if so, what if anything can and should be done. We should care, for **it will not be possible to** simply **ride out the increasing legal friction. The current climate of judicial passivity**—reflected in the Supreme Court’s unwillingness to reengage with the Guantanamo habeas cases, the unwillingness of the D.C. Circuit Court of Appeals to adjudicate habeas petitions arising out of Afghanistan, and the unwillingness of a district judge to adjudicate a suit challenging the planned use of lethal force against an American citizen —**will not last.** For a host of reasons, **a fresh wave of detention litigation concentrating on these very issues is all but guaranteed to arise.** It is not beyond the realm of possibility that **the judiciary will engage as well in connection with the use of lethal force**, moreover**, though even if it does not its engagement on detention issues will in any event cast a long shadow over practices relating to lethal force**. Bearing all this in mind, **I conclude by distinguishing those elements of** legal uncertainty **that are simply unavoidable** (given a pluralistic legal environment in which a host of relevant actors simply do not share common ground with respect to which bodies of law are applicable to these questions and what those bodies of law can fairly be said to require**) and those that** might usefully be addressed by statutory innovation.

**Legitimacy’s the fundamental internal link to effective hegemony - power distributions perceived as illegitimate are the most likely causes of great power war**

Finnermore 9

Martha Finnemore 9, professor of political science and international affairs at George Washington University, January 2009, “Legitimacy, Hypocrisy, and the Social Structure of Unipolarity: Why Being a Unipole Isn’t All It’s Cracked Up to Be,” World Politics, Volume 61, Number 1

Legitimacy is, by its nature, a social and relational phenomenon. One’s position or power cannot be legitimate in a vacuum. The concept only has meaning in a particular social context. Actors, even unipoles, cannot create legitimacy unilaterally. Legitimacy can only be given by others. It is conferred either by peers, as when great powers accept or reject the actions of another power, or by those upon whom power is exercised. Reasons to confer legitimacy have varied throughout history. Tradition, blood, and claims of divine right have all provided reasons to confer legitimacy, although in contemporary politics conformity with [End Page 61] international norms and law is more influential in determining which actors and actions will be accepted as legitimate. 9¶ Recognizing the legitimacy of power does not mean these others necessarily like the powerful or their policies, but it implies at least tacit acceptance of the social structure in which power is exercised. One may not like the inequalities of global capitalism but still believe that markets are the only realistic or likely way to organize successful economic growth. One may not like the P5 vetoes of the Security Council but still understand that the United Nations cannot exist without this concession to power asymmetries. We can see the importance of legitimacy by thinking about its absence. **Active rejection of social structures and the withdrawal of recognition of their legitimacy create a crisis**. In domestic politics, regimes suffering legitimacy crises face resistance, whether passive or active and armed. Internationally, **systems suffering legitimacy crises tend to be violent and noncooperative**. Post-Reformation Europe might be an example of such a system. Without at least tacit acceptance of power’s legitimacy, **the wheels of international social life get derailed**. Material force alone remains to impose order, and order creation or maintenance by that means is difficult, **even under unipolarity**. Successful and stable orders require the grease of some legitimation structure to persist and prosper.10¶ The social and relational character of legitimacy thus **strongly colors the nature of any unipolar order** and the kinds of orders a unipole can construct. **Yes, unipoles can impose their will, but only to an extent**. The willingness of others to recognize the legitimacy of a unipole’s actions and defer to its wishes or judgment shapes the character of the order that will emerge. **Unipolar power without any underlying legitimacy** will have a very particular character. The unipole’s policies **will meet with resistance, either active or passive, at every turn**. Cooperation will be induced only through material quid pro quo payoffs. Trust will be thin to nonexistent. This is obviously an expensive system to run and few unipoles have tried to do so.

**Heg solves extinction**

**Barnett 11**

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**Events in Libya are a further reminder for Americans** that we **stand at a crossroads in our continuing evolution as the world's sole full-service superpower**. **Unfortunately**, **we are increasingly seeking change without cost, and shirking from risk because we are tired of the responsibility**. We don't know who we are anymore, and our president is a big part of that problem. Instead of leading us, he explains to us. Barack Obama would have us believe that he is practicing strategic patience. But many experts and ordinary citizens alike have concluded that he is actually beset by strategic incoherence -- in effect, a man overmatched by the job. It is worth first examining the larger picture: **We live in a time of arguably the greatest structural change in the global order yet endured**, **with this historical moment's most amazing feature being its** relative and absolute **lack of mass violence**. That is something to consider when Americans contemplate military intervention in Libya, because if we do take the step to prevent larger-scale killing by engaging in some killing of our own, we will not be adding to some fantastically imagined global death count stemming from the ongoing "megalomania" and "evil" of American "empire." We'll be engaging in the same sort of system-administering activity that has marked our stunningly successful stewardship of global order since World War II. Let me be more blunt: **As the guardian of globalization**, **the U.S. military has been the greatest force for peace the world has ever known**. **Had America been removed from the global dynamics that governed the 20th century**, the **mass murder never would have ended**. Indeed, it's entirely conceivable **there would now be no identifiable human civilization left, once nuclear weapons entered the killing equation.**  But **the world did not keep sliding down that path of perpetual war**. **Instead, America stepped up and changed everything by ushering in our now-perpetual great-power peace**. **We introduced the international liberal trade order known as globalization** and played loyal Leviathan over its spread. **What resulted was the collapse of empires, an explosion of democracy**, the **persistent spread of human rights**, the liberation of women, **the doubling of life expectancy**, a roughly **10-fold increase in adjusted global GDP** **and a profound and persistent reduction in battle deaths from state-based conflicts.** That is what American "hubris" actually delivered. Please remember that the next time some TV pundit sells you the image of "unbridled" American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world's most vigorously revisionist force. As for the sheer "evil" that is our military-industrial complex, again, let's examine what the world looked like before that establishment reared its ugly head. The last great period of global structural change was the first half of the 20th century, a period that saw a death toll of about 100 million across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these **calculations suggest a 90 percent absolute drop and a 99 percent relative drop in deaths due to war. We are clearly headed for a world order characterized by multipolarity, something the American-birthed system was designed to both encourage and accommodate. But given how things turned out the last time we collectively faced such a fluid structure, we would do well to keep U.S. power, in all of its forms**, deeply embedded in the geometry to come. To continue the historical survey, after salvaging Western Europe from its half-century of civil war, the U.S. emerged as the progenitor of a new, far more just form of globalization -- one based on actual free trade rather than colonialism. America then successfully replicated globalization further in East Asia over the second half of the 20th century, setting the stage for the Pacific Century now unfolding.

## Plan

#### The United States federal government should restrict the 2001 Authorization for Use of Military Force to al-Qaeda, the Taliban, or those nations, organizations, or persons who enjoy close and well-established collaboration with al-Qaeda or the Taliban.

## Solvency

#### Action to clearly define the enemy restricts the executive scope of the AUMF while preserving presidential flexibility and the joint decision-making capabilities

**Cronogue ‘12**

[Graham. Duke University School of Law, J.D. expected 2013; University of North Carolina B.A. 2010. 22 Duke J. Comp. & Int'l L. 377 2011-2012. ETB]

The AUMF must be updated. In 2001, the AUMF authorized force to ¶ fight against America’s most pressing threat, the architects of 9/11. However, much has changed since 2001. Bin Laden is dead, the Taliban ¶ has been deposed, and it is extremist organizations other than al-Qaeda and ¶ the Taliban who are launching many of the attacks against Americans and ¶ coalition partners.124 In many ways, the greatest threat is coming from ¶ groups not even around in 2001, groups such as AQAP and al Shabaab.125¶ Yet these groups do not fall under the AUMF’s authorization of force. ¶ These groups are not based in the same country that launched the attacks, ¶ have different leaders, and were not involved in planning or coordinating ¶ 9/11. Thus, under a strict interpretation of the AUMF, the President is not ¶ authorized to use force against these groups. ¶ Congress needs to specifically authorize force against groups outside of al-Qaeda and the Taliban. Our security concerns demand that the ¶ President can act quickly and decisively when facing threats. The current ¶ authorization does not cover many of these threats, yet it is much more ¶ difficult to achieve this decisiveness if the President is forced to rely solely ¶ on his inherent powers. A clear congressional authorization would clear up ¶ much of this problem. Under Justice Jackson’s framework, granting or ¶ denying congressional authorization ensures that President does not operate ¶ in the “zone of twilight.”126 Therefore, if Congress lays out the exact scope ¶ of the President’s power, naming or clearly defining the targeted actors, the ¶ constitutionality or unconstitutionality of presidential actions will become ¶ much clearer.127¶ Removing the 9/11 nexus to reflect the current reality of war without ¶ writing a carte blanche is the most important form of congressional ¶ guidance regarding target authorization. In order for the President to ¶ operate under the current AUMF, he must find a strong nexus between the ¶ target and the attacks on September 11. As I have shown in this paper, this ¶ nexus is simply non-existent for many groups fighting the United States ¶ today. Yet, the President should want to operate pursuant to congressional ¶ authorization, Justice Jackson’s strongest zone of presidential authority. In ¶ order to achieve this goal, the administration has begun to stretch the ¶ statutory language to include groups whose connection to the 9/11 attacks, ¶ if any, is extraordinarily limited. The current presidential practice only ¶ nominally follows the AUMF, a practice Congress has seemingly ¶ consented to by failing to amend the statute for over ten years. This “stretching” is dangerous as Congress is no longer truly behind the ¶ authorization and has simply acquiesced to the President’s exercise of ¶ broad authority. ¶ The overarching purpose of the new authorization should be to make it ¶ clear that the domestic legal foundation for using military force is not ¶ limited to al-Qaeda and the Taliban but also extends to the many other ¶ organizations fighting the United States. The language in Representative ¶ McKeon’s bill does a fairly good job of achieving this goal by specifically ¶ naming al-Qaeda and the Taliban along with the term “associated force.” ¶ This provision makes it clear the President is still authorized to use force ¶ against those responsible for 9/11 and those that harbored them by ¶ specifically mentioning al-Qaeda and the Taliban. However, the additional ¶ term “associated force” makes it clear that the authorization is not limited ¶ to these two groups and that the President can use force against the allies ¶ and separate branches of al-Qaeda and the Taliban. This creates a very ¶ flexible authorization. ¶ Despite the significant flexibility of the phrase “associated force ¶ engaged in hostilities”, I would propose defining the term or substituting a ¶ more easily understood and limited term. Associated force could mean ¶ many things and apply to groups with varying levels of involvement. ¶ Arguably any group that strongly identifies with or funds al-Qaeda or the ¶ Taliban could be an associated force. Thus, we could end up in the ¶ previously describe situation where group “I” who is in conflict with the ¶ United States or a coalition partner in Indonesia over a completely different ¶ issue becomes a target for its support of an associated force of al-Qaeda. ¶ Beyond that, the United States is authorized to use all necessary force ¶ against any groups that directly aid group “I” in its struggle. ¶ My proposal for the new AUMF would appear as follows: ¶ AFFIRMATION OF ARMED CONFLICT WITH AL-QAEDA, ¶ THE TALIBAN, AND ASSOCIATED FORCES ¶ Congress affirms that— ¶ (1) the United States is engaged in an armed conflict with al-Qaeda, the ¶ Taliban, and associated forces and that those entities continue to ¶ pose a threat to the United States and its citizens, both domestically ¶ and abroad; ¶ a. for the purposes of this statute, an associated force is a ¶ nation, organization, or person who enjoys close and wellestablished collaboration with al-Qaeda or the Taliban and ¶ as part of this relationship has either engaged in or has ¶ intentionally provided direct tactical or logistical support ¶ for armed conflict against the United States or coalition ¶ partners.¶ the President has the authority to use all necessary and appropriate ¶ force during the current armed conflict with al-Qaeda, the Taliban, ¶ and associated forces pursuant to the Authorization for Use of ¶ Military Force (Public Law 107-40; 50 U.S.C. 1541); ¶ (3) the current armed conflict includes nations, organization, and ¶ persons who— ¶ a. are part of al-Qaeda, the Taliban, or associated forces; or ¶ b. engaged in hostilities or have directly supported hostilities ¶ in aid of a nation, organization or person described in ¶ subparagraph (A); ¶ c. or harbored a nation, organization, or person described in ¶ subparagraph (A); and ¶ (4) the President’s authority pursuant to the Authorization for Use of ¶ Military Force includes the authority to detain belligerents, ¶ including persons described in paragraph (3), until the termination ¶ of hostilities. ¶ (5) Nothing in this authorization should be construed to limit the ¶ President’s ability to respond to new and emerging threats or engage ¶ in appropriate and calculated actions of self-defense. ¶ The definition of “associated forces” will add much needed clarity and ¶ provide congressional guidance in determining what groups actually fall ¶ under this provision. Rather than putting faith in the President not to abuse ¶ his discretion, Congress should simply clarify what it means and limit his ¶ discretion to acceptable amounts. The “close and well-established ¶ collaboration” ensures that only groups with very close and observable ties ¶ to al-Qaeda and the Taliban are designated as “associated forces.” While ¶ the requirement that part of their collaboration involve some kind of ¶ tactical or logistical support ensures that those classified as enemy ¶ combatants are actually engaged, or part of an organization that is engaged, ¶ in violence against the United States. Also, requiring that the associated ¶ force’s violence be directed at the United States or a coalition partner and ¶ that this violence is part of its relationship with al-Qaeda or the Taliban is another important limitation. ¶ First, requiring the associated force to engage in violence that is ¶ directed at these nations ensures that “associated force” does not include ¶ countries such as Iran that might have a relationship with al-Qaeda and ¶ give it financial support but are not actually in violent conflict with the ¶ United States. Second, requiring that this violence is made in furtherance of ¶ its relationship with al-Qaeda and the Taliban ensures that the violence that ¶ makes a group an “associated force” is actually related to its collaboration ¶ with al-Qaeda and the Taliban. Without this second provision, a group that supports al-Qaeda would be elevated to an “associated force” if it engaged ¶ in violence with, for instance, Australia over a completely unrelated issue. ¶ While some groups that work closely with and support al-Qaeda ¶ would not be considered associated forces, it is important to limit the scope ¶ of this term. This label effectively elevates the group to the same status as ¶ al-Qaeda and the Taliban and attaches authorization for force against any ¶ group that supports or harbors it. Furthermore, there is little real harm by ¶ narrowly defining associated forces because the groups that do support alQaeda will still be subject to the authorization under the “support” or ¶ “harbor” prongs. Narrowly defining “associated forces” simply prevents ¶ the problem of authorization spreading to supporters of those who are ¶ merely supporters of al-Qaeda. ¶ Compared to Representative McKeon’s proposal, these new ¶ provisions would narrow the scope of authorization. The President would ¶ not be able to use this authorization to attack new groups that both spring ¶ up outside our current theater and have no relation to al-Qaeda, the Taliban ¶ or the newly defined associated forces. However, part (5) of my ¶ authorization would ensure that the President is not unnecessarily restricted ¶ in responding to new and emergent threats from organizations that do not ¶ collaborate and support al-Qaeda. In this way, the proposal incorporates ¶ Robert Chesney’s suggestion, “[i]t may be that it [is] better to draw the ¶ statutory circle narrowly, with language making clear that the narrow ¶ framing does not signify an intent to try and restrict the President’s ¶ authority to act when necessary against other groups in the exercise of ¶ lawful self-defense.”128 The purpose of the new AUMF should not be to ¶ give the President a carte blanche to attack any terrorist or extremist group ¶ all over the world. The purpose of this authorization is to provide clear ¶ authorization for the use of force against al-Qaeda and its allies. Moreover, ¶ if a new group is created that has no relation to any of the relevant actors ¶ defined in this statute, Congress can pass another authorization that ¶ addresses this reality. The purpose of congressional authorization should ¶ not be to authorize the President to act against every conceivable threat to ¶ American interests. In fact, such an authorization would effectively strip ¶ Congress of its constitutional war making powers. Instead, the new ¶ proposal should provide clear domestic authorization for the use of force against those nations that present the greatest threat to the United States ¶ today.

**Obama will adhere to the plan - wants to rely on congressional authority**

**WSJ ‘12**

[Julian Barnes and Evan Perez. December 6. <http://online.wsj.com/article/SB10001424127887323316804578163724113421726.html> ETB]

Obama **administration officials, concerned about the legal justifications behind counterterrorism operations, have preferred to rely on congressional authority for the use of force against al Qaeda, seeing such authority** as more defensible and acceptable to allies.

#### Risk of nuclear terrorism is real and high now

Bunn, et al, 10/2/13

[ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster, and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

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## Terror Adv

#### No circumvention- Obama likes the plan

Brown ‘13

[Hayes Brown is a National Security Reporter/Blogger with ThinkProgress.org. Prior to joining ThinkProgress, Hayes worked as a contractor at the Department of Homeland Security. <http://thinkprogress.org/security/2013/05/23/2055331/obama-aumf-repeal/> ETB]

Most importantly, **Obama announced that he intends to work closely with Congress to “refine**, and ultimately repeal” **the** 2001 Authorization for the Use of Military Force (**AUMF**). Passed in the aftermath of 9/11, the AUMF gave the president broad authority to carry out military action against “those nations, organizations, or persons” who “planned, authorized, committed, or aided” the 2001 attack.

**Obama will comply---no circumvention**

David J **Barron 8**, Professor of Law at Harvard Law School and Martin S. Lederman, Visiting Professor of Law at the Georgetown University Law Center, “The Commander in Chief at the Lowest Ebb -- A Constitutional History”, Harvard Law Review, February, 121 Harv. L. Rev. 941, Lexis

In addition to offering important guidance concerning the congressional role, our historical review also illuminates the practices of the President in creating the constitutional law of war powers at the "lowest ebb." Given the apparent advantages to the Executive of possessing preclusive powers in this area, **it is tempting to think** that **Commanders in Chief would always** have **claim**ed a unilateral and **unregulable authority to determine** the conduct of **military operations. And yet**, as we show, for most of our history, the **presidential practice was otherwise**. Several of our **most** esteemed **Presidents** - Washington, Lincoln, and both Roosevelts, among others - **never invoked** the sort of **preclusive claims of authority** that some modern Presidents appear to embrace without pause. In fact, no Chief Executive did so in any clear way until the onset of the Korean War, **even when they confronted problematic restrictions**, some of which could not be fully interpreted away and some of which even purported to regulate troop deployments and the actions of troops already deployed.¶ Even since claims of preclusive power emerged in full, the practice within the executive branch has waxed and waned. No consensus among modern Presidents has crystallized. Indeed, **rather than denying** the **authority of Congress to act** in this area, some **modern Presidents**, like their predecessors, have **acknowledged the constitutionality of legislative regulation**. They have therefore concentrated their efforts on making effective use of other presidential authorities and institutional [\*949] advantages to shape military matters to their preferred design. n11 In sum, **there has been much less executive assertion of** an **inviolate power** over the conduct of military campaigns **than one might think**. And, perhaps most importantly, until recently **there has been** almost **no** actual **defiance of statutory limitations** predicated on such a constitutional theory.¶ **This repeated**, though not unbroken, **deferential executive branch stance is** not, we think, best understood as evidence of the timidity of prior Commanders in Chief. Nor do we think it is the accidental result of political conditions that just happened to make it expedient for all of these Executives to refrain from lodging such a constitutional objection. This consistent pattern of executive behavior **is more accurately viewed as reflecting deeply rooted norms and understandings of how the Constitution structures conflict between** the **branches over war**. In particular, **this well-developed executive branch practice appears** to be **premised on the assumption that** the constitutional plan requires the nation's chief commander to guard his supervisory powers over the military chain of command jealously, to be willing to act in times of exigency if Congress is not available for consultation, and to use the very powerful weapon of the veto to forestall unacceptable limits proposed in the midst of military conflict - but that otherwise, **the Constitution compels the Commander in Chief to comply with legislative restrictions**.¶ In this way, **the founding legal charter** itself **exhorts the President to justify** controversial **military judgments to a** sympathetic but sometimes skeptical or demanding **legislature** and nation, not only for the sake of liberty, but also for effective and prudent conduct of military operations. Justice Jackson's famous instruction that "with all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" n12 continues to have a strong pull on the constitutional imagination. n13 **What emerges from our analysis is how much pull it seemed to** [\*950] **have on the executive branch itself** for most of our history of war powers development.

#### Obama is weak now - sending global signals of weakness and uncertainty

**Forbes 9/1**

<http://www.forbes.com/sites/dougschoen/2013/09/01/weak-on-syria-weak-in-the-world/> ETB

Put another way, the President made it clear a year ago that there was a red line that the Syrians should not cross. All evidence suggests that they have surely crossed it and instead of striking, the President lectures the American people, and indeed the world, on American democracy.¶ Indeed, just this morning, a Syrian state state-run newspaper called Obama’s decision to seek Congressional approval before taking military action “the start of the historic American retreat.” It doesn’t get clearer than that.¶ This is not a president who shies away from using his executive power. He has altered ObamaCare, pushed his gun control agenda to strengthen national background checks, delayed the deportation of illegal immigrants when Congress wouldn’t agree amongst many other examples. But he has now suddenly decided that before he takes action, action that is within his purview, he is going to seek Congressional approval that is almost impossible to predict as to whether it will be granted or not.¶ If Obama really wanted to go ahead he would have brought congress back into session immediately and not waited more than 10 days thereby giving the Syrians time to plan for an attack – should one ultimately come. And even then, Obama has made it clear any such attack will be limited in nature and scope and will not involve regime change.¶ It follows that the message **Obama’s speech** yesterday sends is a muddled one at best.¶ It **said to the mullahs** in Iran and their Supreme Leader Ali Khamenei **that they can continue to pursue their nuclear program** by enriching uranium and refining **plutonium without having to fear that they will be precipitously attacked by the US.¶** **And to** Russia’s President **Putin**, who has been an unbendable ally of Assad, providing him with arms and anti-aircraft weaponry, **Obama has shown that the balance of power in the Middle East has almost certainly shifted away from the US.** This is all the more alarming as Putin said just yesterday that the idea that the Syrian regime used chemical weapons is “absolute nonsense.”¶ What’s more, **with a totally incoherent American policy on Egypt wherein it is unclear who and what we support, the US’s approach to the Syria further paints a bleak picture of American power and potency.** Indeed, with our only real achievement in the region being the recent appearance of convincing the Arabs and Israelis to come to the peace table, **an image of American uncertainty is radiating across the globe.¶** And although this would be a serious accomplishment if progress is made, our inaction on Syria signals to Israel, one of our strongest allies, that we are not willing to stick our neck out for them, their safety and way of life.¶ To our allies around the world who have said that if we do not stand firm we will send the wrong message to the Syrians, Obama offered not much of a response other than to tell them, in so many words, that they may well have to go it alone.¶ **The US has not been sending clear messages**. And though it may be apparent to me that the President’s move was calculated to force responsibility on a reluctant Congress and to play to 80% of the American people who have said in polls that they are against intervention in Syria, that does not mean that the US is offering anything but a confused image of our mission in the world to both our allies and foes.¶ Thus, in the short term **the President** may have managed to escape from the political quandary he faces. But in the longer term, America **looks weaker, feckless and more uncertain**.¶ President **Obama** **has**, if nothing else, **compounded the view of a weak leader heading an unsure nation. This is an image we can ill afford to project.**

**Stronger statutory checks on Presidential war powers increase credibility**

**Waxman 13**

Matthew C. Waxman 13, Professor of Law at Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations, “The Constitutional Power to Threaten War”, Forthcoming in Yale Law Journal, vol. 123 (2014), 8/25/2013, PDF

A second argument, this one advanced by some congressionalists, is that **stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats**, this argument holds, **are those that carry formal approval** by Congress, **which reflects strong public support** and willingness to bear the costs of war; **requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats** by encouraging the President to seek congressional authorization before acting.181 A frequently cited instance is President Eisenhower’s request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.182 (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) “It was [Eisenhower’s] seasoned judgment … that **a commitment the U**nited **S**tates **would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress**,” concludes Louis Fisher. “**Single-handed actions taken by a President, without the support of Congress** and the people, **can threaten national prestige and undermine the presidency. Eisenhower’s position was sound then. It is sound now.**”183 A critical assumption here is that **legal requirements** of congressional participation in decisions to use force **filters out unpopular uses of force, the threats of which are unlikely to be credible and** which, **if unsuccessful, undermine the credibility of future U.S. threats. A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President’s powers to use force undermines the credibility of threats.** Michael Reisman observed, for example, in 1989: **“Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order.** Some **reduction in U.S. credibility and** diplomatic **effectiveness may result.**”184 Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in “constructive ambiguity”, or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.185 A critical assumption here is that **clarity of** constitutional or **statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.**

#### Cooperation prevents war

Hadar 11

former prof of IR at American U and Mount Vernon-College. PhD in IR from American U (1 July 2011, Leon, Saving U.S. Mideast Policy, http://nationalinterest.org/commentary/saving-us-policy-the-mideast-5556)

Indeed, contrary to the warning proponents of U.S. military intervention typically express, the withdrawal of American troops from Iraq and Afghanistan would not necessarily lead to more chaos and bloodshed in those countries. Russia, India and Iran—which supported the Northern Alliance that helped Washington topple the Taliban—and Pakistan (which once backed the Taliban) all have close ties to various ethnic and tribal groups in that country and now have a common interest in stabilizing Afghanistan and containing the rivalries.

#### Their impacts are empirically denied and inevitable

Innocent and Carpenter ‘9

(Malau, Foreign Policy – Cato Institute, and Ted Galen, VP for Defense and Foreign Policy Studies – Cato, “Escaping the "Graveyard of Empires": A Strategy to Exit Afghanistan"”, 9-14, <http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf>)

Some analysts, including Carnegie Endowment senior associate Robert Kagan, insist that were the United States to evacuate Afghanistan, the political and military vacuum left by our departure would lead to serious instability throughout the region.19 But instability, in the sense of a perpetually anarchic state of nature dominated by tribal warlords and pervasive bloodshed, has characterized the region for decades—even centuries. Thus, the claim that Afghanistan would be destabilized if the United States were to decrease its presence is misleading, since Afghanistan will be chronically unstable regardless. Most Americans are simply oblivious to the region’s history. Numerous tribes along the border of northwest Pakistan and southern and eastern Afghanistan have a long history of war-making and rebellion, now erroneously branded as “Talibanism.”20 King’s College London professor Christian Tripodi, an expert on British colonial-era tribal policy, explains what British administrators confronted when dealing with Pashtun tribes along what is today the frontier between Afghanistan and Pakistan: What the British refused to grasp was that tribal raiding and violence was not necessarily a product of poverty or lack of opportunity. The tribes viewed raiding as honourable and possibly quite fun, an activity that was centuries old, rooted in their culture and one of those things that defined a man in a society that placed a premium upon independence and aggression.21

## OLC CP

**Triggers litigation, OLC can’t speak to statutes, and White House Counsel Circumvents**

Bruce **Ackerman 11**, Sterling Professor of Law and Political Science at Yale University, “LOST INSIDE THE BELTWAY: A REPLY TO PROFESSOR MORRISON,” Harvard Law Review Forum Vol 124:13, http://www.harvardlawreview.org/media/pdf/vol124forum\_ackerman.pdf

To see why, consider that **the relationship between the WHC** **and the OLC is utterly mysterious to** most lawyers, let alone to **most Americans**. So imagine the scene **when some** future **W**hite **H**ouse **C**ounsel **issues** **a** legal **opinion**, **rubberstamping the President’s latest power- grab**, with the peroration: “Ever since Lloyd **Cutler** assumed the position as White House Counsel in NVTV, this office has, from to time, taken the lead in explaining the constitutional foundations for major presidential initiatives . . . .” ¶ Given pervasive ignorance dealing with Beltway arcana, this famous precedent **will** **go a long way toward legitimating the** White House **decision to cut out the OLC**. Instead of conceding impropriety, our hypothetical Counsel can summon up the great spirit of Lloyd Cutler in support of his leading role. After establishing his distinguished pedigree, Counsel can reinforce his claim to authority with a host of additional arguments: After all, there’s nothing in the Constitution that requires the President to prefer the OLC to the WHC. Article II simply tells the President to “take Care that the Laws be faithfully executed”69 — it doesn’t tell him where to get his legal advice. Moreover, as Morrison acknowledges, **the OLC’s traditional role is principally based on** **e**xecutive **o**rder, **not** **Congressional** **statutes**.70 If the President prefers to treat his Counsel as a modern-day Cutler, **there can be no question that the bureaucracy and military will follow his lead** — at least **until the courts enter** into **the field**. ¶ Undoubtedly, the Cutler precedent won’t stifle all grumbling from Beltway cognoscenti.71 But it will make it much tougher to convince the generality of lawyerdom, as well as the broader public, that they are witnessing a dreadful act of legal usurpation — even if that’s precisely what is happening.72

**3. OLC Links to Politics**

Eric **Posner 11**, the Kirkland & Ellis Professor, University of Chicago Law School. “DEFERENCE TO THE EXECUTIVE IN THE UNITED STATES AFTER 9/11 CONGRESS, THE COURTS AND THE OFFICE OF LEGAL COUNSEL” available at http://www.law.uchicago.edu/academics/publiclaw/index.html.

These two events neatly encapsulate the dilemma for OLC, and indeed all the president’s legal advisers. If OLC tries to block the president from acting in the way he sees fit, it takes the risk that he will disregard its advice and marginalize the institution. **If OLC gives the president the advice that he wants** to hear, **it takes the risk that** **it will** mislead him and **fail to prepare him for adverse reactions** **from the** courts, **Congress**, and the public. Can OLC constrain the executive? That is the position taken by many scholars, most notably Jack Goldsmith. 18 The underlying idea here is that even if Congress and the courts cannot constrain the executive, perhaps offices within the executive can. The opposite view, advanced by Bruce Ackerman, is that OLC is a rubber stamp. 19 I advocate a third view: OLC does not constrain the executive but enables him to accomplish goals that he would not otherwise be able to accomplish. It is more accurate to say that OLC enables than constrains. B. OLC as a Constraint on the Executive A number of scholars have argued that OLC can serve as an important constraint on executive power. I will argue that OLC cannot act as a constraint on executive power. Indeed, its only function is the opposite—as an “enabler” (as I will put it) or extender of executive power. A president must choose a course of action. He goes to OLC for advice. Ideally, OLC will provide him good advice as to the legality of the course of action. It will not provide him political advice and other relevant types of advice. The president wants to maximize his political advantage, 21 and so he will follow OLC’s advice only if the legal costs that OLC identifies are greater than the political benefits. On this theory, OLC will properly always give the president neutral advice, and the president will gratefully accept it although not necessarily follow it. If the story ended here, then it would be hard to see what the controversy over OLC could be about. As an adviser, it possesses no ability to constrain the executive. It merely provides doctrinal analysis, in this way, if it does its job properly, merely supplying predictions as to how other legal actors will react to the president’s proposed action. **The executive can choose to ignore** OLC’s **advice**, **and so OLC cannot serve as a “constraint”** on executive power **in any meaningful sense**. Instead, it merely conveys to the president information about the constraints on executive power that are imposed from outside the executive branch. However, there is an important twist that complicates the analysis. The president may choose to publicize OLC’s opinions. Naturally, the president will be tempted to publicize only favorable opinions. When Congress 22 claims that a policy is illegal, the president can respond that his lawyers advised him that the policy is legal. This response at least partially deflects blame from the president. There are two reasons for this. First, the Senate consented to the appointment of these lawyers; thus, if the lawyers gave bad advice, the Senate is partly to blame, and so the blame must be shared. Second, OLC lawyers likely care about their future prospects in the legal profession, which will turn in part on their ability to avoid scandals and to render plausible legal advice; they may also seek to maintain the office’s reputation. When OLC’s opinions are not merely private advice, but are used to justify actions, then OLC takes on a quasi-judicial function. Presidents are not obliged to publicize OLC’s opinions, but clearly they see an advantage to doing so, and they have in this way given OLC quasi-judicial status. But if the president publicizes OLC opinions, he takes a risk. The risk is that OLC will publicly advise him that an action is illegal. If OLC approval helps deflect blame from the president, then OLC disapproval will tend to concentrate blame on the president who ignores its advice. Congress and the public will note that after all the president is ignoring the advice of lawyers that he appointed and thus presumably he trusts, and this can only make the president look bad. To avoid such blame, the president may refrain from engaging in a politically advantageous action. In this way, OLC may be able to prevent the president from taking an action that he would otherwise prefer. At a minimum, **OLC raises the political cost of the action**. I have simplified greatly, but I believe that this basic logic has led some scholars to believe that OLC serves as a constraint on the president. But this is a mistake. OLC strengthens the president’s hand in some cases and weakens them in others; but overall it extends his power—it serves as enabler, not constraint. To see why, consider an example in which a president must choose an action that lies on a continuum. One might consider electronic surveillance. At one extreme, the president can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, **the president can engage in actions that are clearly unlawful**—for example, spying on political opponents. **OLC opinions will not affect Congress’s** or the public’s **reaction** to either **the obviously** lawful or the obviously **unlawful** actions. But then there are middle cases. Consider a policy L, which is just barely legal, and a policy I, which is just barely illegal. The president would like to pursue policy L but fears that Congress and others will mistakenly believe that L is illegal. As a result, political opposition to L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the president. OLC’s approval of L would cause political opposition (to the extent that it is based on the mistaken belief that L is unlawful) to melt away. Thus, OLC enables the president to engage in policy L, when without OLC’s participation that might be impossible. True, OLC will not enable the president to engage in I, assuming OLC is neutral. And, indeed, OLC’s negative reaction to I may stiffen Congress’ resistance. However, the president will use OLC only because he believes that OLC will strengthen his hand on net.

**5. OLC either rubber stamps the prez or gets ignored**

**Sullum, 11** [Jacob Sullum is a senior editor at Reason magazine. To find out more about Jacob Sullum and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate Web page at [www.creators.com](http://www.creators.com), War Counsel: Obama Shops for Libya Advice That Lets Him Ignore the Law <http://www.creators.com/opinion/jacob-sullum/war-counsel-obama-shops-for-libya-advice-that-lets-him-ignore-the-law.html>]

**During the Bush administration**, **when the** Justice Department's **Office of Legal Counsel got into the habit of rationalizing** **whatever the president wanted to do**, **Indiana University law professor Dawn Johnsen** **dreamed of an OLC that was willing** **to "say no to the president**." **It turns out we have such an OLC now**. **Unfortunately, as** Barack **Obama's defense of his** **unauthorized war in Libya shows**, **we do not have a president who is willing to take no for an answer**. While running for president, Obama criticized George W. Bush's lawless unilateralism in areas such as torture, warrantless surveillance and detention of terrorism suspects. "The law is not subject to the whims of stubborn rulers," he declared in 2007, condemning "unchecked presidential power" and promising that under his administration there would be "no more ignoring the law when it is inconvenient." Obama's nomination of Johnsen to head the OLC, although ultimately blocked by Senate Republicans, was consistent with this commitment; his overreaching responses to threats ranging from terrorism to failing auto companies were not. **Last week, by rejecting the OLC's advice** concerning his three-month-old intervention in Libya's civil war, **Obama sent the clearest signal** **yet that he is no more inclined than his predecessor to obey the law.** Under the War Powers Act, a president who introduces U.S. armed forces into "hostilities" without a declaration of war must begin withdrawing those forces within 60 days unless Congress authorizes their deployment. Hence the OLC, backed by Attorney General Eric Holder and Defense Department General Counsel Jeh Johnson, told Obama he needed congressional permission to continue participating in NATO operations against Libyan dictator Moammar Gadhafi's forces. **While the president can override the OLC's advice, that rarely happens**. "**Under normal circumstances**," The New York Times noted, "**the office's interpretation of** the law **is** legally **binding** on the executive branch." In this case, rather than follow the usual procedure of having the OLC solicit opinions from different departments and determine which best comported with the law, Obama considered the office's position along with others more congenial to the course of action he had already chosen. **Obama preferred the advice of White House Counsel** Robert **Bauer and** State Department legal adviser Harold **Koh,** who argued that American involvement in Libya, which includes bombing air defenses and firing missiles from drone aircraft as well as providing intelligence and refueling services, does not amount to participating in "hostilities." A report that the Obama administration sent Congress says, "U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors." All that is irrelevant, since the War Powers Act says nothing about those criteria. According to the administration's logic, Congress has no say over the president's use of the armed forces as long as it does not involve boots on the ground or a serious risk of U.S. casualties — a gaping exception to the legislative branch's war powers in an era of increasingly automated and long-distance military action. **As Harvard law professor Jack Goldsmith, a former head of the OLC, told the Times, "The** administration's **theory** **implies that the president can wage war with drones and all manner of offshore missiles without having to bother with** the War Powers Resolution's time **limits."**

**6. OLC has to be neutral- the link to politics proves the CP guts solvency and prevents their shielding arguments**

**Posner 11**  - Kirkland & Ellis Professor, University of Chicago Law School (Eric A. Posner, “Deference To The Executive In The United States After September 11: Congress, The Courts, And The Office Of Legal Counsel”, http://www.harvard-jlpp.com/wp-content/uploads/2012/01/PosnerFinal.pdf)

A question naturally arises about the OLC’s incentives. I have assumed that the OLC provides neutral advice, in the sense of trying to make accurate predictions about how other agents like Congress and the courts would react to proposed actions. It is possible that the OLC could be biased—either in favor of the President or against him. **If the OLC were biased against the President, he would stop asking it for advice** (**or would ask for its advice privately and then ignore it**). 50 This danger surely accounts for OLC jurisprudence being pro‐executive. 51 **But it would be just as dangerous for OLC to be** excessively **biased in favor of the President because it would mislead him and lose its credibility with Congress**. 52 As a result, the OLC could not help the President engage in L policies. So **the OLC must be neither** excessively **pro‐President nor anti‐President. If it can avoid these extremes, it will be an enabler; if it cannot, it will be ignored**. **In no circumstance could it be a constraint**. 53

**7. Future presidents roll back**

**Friedersdorf 13** Conor Friedersdorf is CONOR FRIEDERSDORF is a staff writer at The Atlantic, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of The Best of Journalism, a newsletter devoted to exceptional nonfiction. “Does Obama Really Believe He Can Limit the Next President's Power?” 5-28-13, <http://www.theatlantic.com/politics/archive/2013/05/does-obama-really-believe-he-can-limit-the-next-presidents-power/276279/> DOA: 8-24-13, y2k

I admit to being a bit puzzled myself, if for slightly different reasons. It's perfectly understandable to serve in a position, appreciate its power, and believe it should be limited by outside constraints, even when they'd constrain you. George Washington and Thomas Jefferson both felt that way at times. If Obama feels that way about a shield law, good for him. And it isn't as if he personally approves every interaction the Department of Justice has with journalists. But something puzzles me about his behavior with regard to the War on Terrorism. It does sometimes appear, as Wallace suggests, that he wants to leave a different national-security structure to his predecessor that limits him or her more than Obama himself was limited in 2009. Administration officials have said as much. A disposition matrix! Strict protocol for putting an American citizen on the kill list! That sort of thing. There was talk, before Election 2012, of Team Obama hurriedly developing changes just in case. So unlike Hume, I don't think it's "stop me before I kill again," so much as, "I trust myself with this power more than anyone. You won't always be so lucky as to have me, but don't worry, I'm leaving instructions." Will anyone follow them? That's what I don't understand. **Why does Obama seem to think his successors will constrain themselves within whatever limits he sets?** **Won't they just set their own limits?** Won't those limits be very different? What would Chris Christie do in the White House? I have no idea, but I'm guessing that **preserving the decisionmaking framework Obama established isn't what he'd do.** Does anyone think Hilary Clinton would preserve it? **Obama doesn't seem to realize that his legacy won't be shaped by any perspicacious limits he places on the executive branch**, if he ever gets around to placing any on it. **The next president can just undo those "self-imposed" limits with the same wave of a hand that Obama uses to create them.** **His influence in the realm of executive power will be to expand it.** By 2016 **we'll be four terms deep in major policy decisions being driven by secret memos from the O**ffice of **L**egal **C**ounsel. **The White House will have a kill list, and if the next president wants to add names to it using standards twice as lax as Obama's, he or she can do it, in secret, per his precedent.** Some new John Brennan-like figure, with different values and a different personality, will serve as [Moral Rectitude Czar](http://www.emptywheel.net/2012/10/25/the-moral-rectitude-assassination-czar/). Even ending torture was done by executive order. The folks guilty of perpetrating it weren't punished. Congress wasn't asked to act. (There was an ambitious domestic agenda to focus on!) So who knows what we'll get next, save for a new president who witnessed all the previously unthinkable things post-9/11 presidents got away with so long as they invoked fighting "terror." The fact that every new president is likely to be a power-seeking egomaniac seems like too obvious a flaw in Obama's plan for a smart guy like him not to see it. So what gives? Is all the talk of limiting the executive branch just talk? But why even talk at this point, if so? He isn't running again. Yet if he really does think his office wields too much power, why is he putting in place safeguards the next president can and probably will undo instead of zealously trying to get Congress to act? Yet he does [seem to be concerned](http://www.nytimes.com/2013/05/28/us/politics/in-terror-shift-obama-took-a-long-path.html?pagewanted=1&hp). Here's Peter Baker reporting in The New York Times:¶ For nearly four years, the president had waged a relentless war from the skies against [Al Qaeda](http://topics.nytimes.com/top/reference/timestopics/organizations/a/al_qaeda/index.html?inline=nyt-org) and its allies, and he trusted that he had found what he considered a reasonable balance even if his critics did not see it that way. But now, he told his aides, he wanted to institutionalize what in effect had been an ad hoc war, effectively shaping the parameters for years to come "whether he was re-elected or somebody else became president," as one aide said.¶ Ultimately, he would decide to write a new playbook that would scale back the use of drones, target only those who really threatened the United States, eventually get the [C.I.A.](http://topics.nytimes.com/top/reference/timestopics/organizations/c/central_intelligence_agency/index.html?inline=nyt-org) out of the targeted killing business and, more generally, begin moving the United States past the "perpetual war" it had waged since Sept. 11, 2001. Whether the policy shifts will actually accomplish that remains to be seen, given vague language and compromises forced by internal debate, but they represent an effort to set the rules even after he leaves office. ¶ "We've got this technology, and we're not going to be the only ones to use it," said a senior White House official who, like others involved, declined to be identified talking about internal deliberations. "We have to set standards so it doesn't get abused in the future."¶ **There's that same obvious flaw, but everyone seems oblivious to it. The standards you're setting? The next president can just change them. In secret, even!** That's the problem with extreme executive power: It is capricious, prone to abuse, and difficult to meaningfully check. Does Obama think the next man or woman will just behold the wisdom of his approach and embrace it? That error, unthinkable as it seems, would not be without precedent for this president.

## Politics

#### Won’t pass - election fears and Obama’s approach prolongs Republican backlash

Kaplan 10-3

[Rebecca, serves as City Councilmember At-Large for Oakland, California, CBS News, “Why is it so difficult to end the government shutdown?” <http://www.cbsnews.com/8301-250_162-57605784/why-is-it-so-difficult-to-end-the-government-shutdown/>]

As the government shutdown enters its third day, **Democrats and Republicans seem no closer to bridging their differences than they were when the shutdown began** early Tuesday morning. **It's difficult to say when the standoff will end**. The two **shutdowns** that occurred **in 1995 and 1996 lasted** a total of **27 days. And** back then, the **conditions** for getting to a deal **were much better**.¶ Republicans won the House and Senate in the 1994 midterm elections - the first time the party had a House majority in 40 years. That set up a showdown between House Speaker Newt Gingrich, who had run on a conservative platform, and then-President Bill Clinton. That dispute came in 1995, when Gingrich wanted to balance the budget in a short time frame and Clinton wanted money spent on Democratic priorities. After two separate shutdowns and several weeks, the pressure was too high on Republicans and they cut a deal with Clinton: he would get his priorities, but would have to balance the budget for 10 years.¶ "They were kind of testing each other," said former Rep. Tom Davis, R-Va., who was a freshman in Congress at the time. Afterward, Davis noted, Clinton and Gingrich would go on to work together on a host of issues including welfare reform. The economy boomed, helping to mitigate budget issues.¶ Republicans who were lawmakers or aides in Congress in 1995 cite a variety of reasons that the shutdown ended. For Davis, it was the mounting public pressure on Republicans and their rapidly dropping poll numbers that helped spur a compromise. "There was a revolt, and they simply couldn't hold their members after a while," he said of the Republican leadership. It didn't help that Republicans were afraid of losing the first majority they'd had in decades. Davis recalls going to former Rep. Dick Armey, then the Republican Majority leader from Texas, and saying, "We're getting our butts kicked."¶ But Bob Walker, then a Republican congressman from Pennsylvania, had a different take from the conventional narrative that Republicans had caved. "We stayed focused in 1995 on the fact that what the end result for us was to get a pathway to a balanced budget, and so in the end when we got an agreement to just begin the process of moving toward a balanced budget," he said. "We declared victory on that and we were prepared to then get the government back into action."¶ **This time, it's not so easy for Republicans to achieve even a piece of their chief goal** - to dismantle the Affordable Care Act. The law is President Obama's signature policy achievement, and its constitutional authority was affirmed by the Supreme Court. Democrats in the Senate and Mr. Obama himself have proven with the shutdown fight that they are determined to keep the law intact.¶ "We didn't get an immediate balanced budget obviously but what we got was a seven-year plan toward a balanced budget that then ended up being accomplished in there years," Walker said of the House Republicans in 1995. But nowadays, he said, "I'm not certain I see where the bottom lines are."¶ As shutdown continues, Obama says Wall Street "should be concerned"¶ Government shutdown: Is Congress acting selfishly?¶ Yet another explanation of why the 1995-1996 shutdown ended had to do with presidential politics. Former Senate Majority Leader Bob Dole, R-Kansas, was eyeing a presidential bid against Clinton in 1996.¶ "He just got sick of it. I think he started seeing that this was directly impacting his ability to run for president," said John Feehery, a political strategist who was the communications director for then-House Majority Whip Tom DeLay during the shutdown. Dole was key to engineering an end to the shutdown, a fact that was apparent to everyone - even Democrats.¶ "It was a huge factor," said American University professor Patrick Griffin, who served as Clinton's assistant for legislative affairs from 1994 to 1996. "We could always sense that there was no love lost between him and [Gingrich] - on the [Contract with America], on the shutdown. It was just not Dole's style...he was wasting time, he was not being able to get his campaign."¶ If anything, presidential politics will lengthen the shutdown. Mr. **Obama has no re-election campaign** to worry about - like Clinton did at the time - **and Republican** presidential **campaigns cannot be won without pleasing an active base that hates the healthcare law. It would be difficult for any Republican to help broker a compromise that preserved most of Obamacare and then woo Republican primary voters**.¶ **Not that many Republicans feel as if they can work with** Mr. **Obama**. "Many people in Congress ...believe that the president treats them with contempt and so the atmosphere for negotiating is not very good. That's a big difference," said Walker.¶ House Speaker John Boehner, R-Ohio, and Mr. Obama have tried and failed to negotiate big deals several times**. Since the** government **shut down** on Tuesday, **they've barely talked** aside from a meeting the president held with top congressional leaders Wednesday afternoon. And a recent Politico story that detailed how Boehner and Senate Majority Leader Harry Reid, R-Nev., worked together to preserve congressional subsidies for healthcare coverage will likely have poisoned the well between the leaders of the two chambers.¶ That wasn't the case with Gingrich and Clinton, despite their differences. "Both President Clinton and Speaker Gingrich had a pretty civil and reasonably good personal relationship," said Mack McLarty, Clinton's first chief of staff as president. Both hailed from the south, and had "very inquisitive minds" about the world around them.¶ Perhaps **the biggest roadblock to a deal**, however, **is the** increasingly partisan nature **of Congress caused by congressional redistricting that puts many members into seats where fewer and fewer constituents are from the opposite party**. In 1995, more than 34 percent of Republican representatives in the House were elected in districts that had voted for Clinton as president. Now, only seven percent of House members come from districts that voted for Mr. Obama.¶ There's a larger proportion of hardline conservatives in the House in 2013, and they have so far been more successful at driving the agenda than their more moderate counterparts. "The-rank-and-file members are sick and tired of the rebels running the thing but there's too many of them who vote with the rebels to protect their flank," Feehery said, referring to Republicans who are worried about receiving a primary challenge from the right.¶ **With so many factors working against a deal, it's hard to see a way out of the crisis**. The only thing that's guaranteed to inject some urgency into the debate is the looming deadline to raise the debt ceiling on Oct. 17. While a government shutdown can have minimal effects on the financial markets, the possibility of the U.S. defaulting is much more likely to cause financial panic that could push lawmakers into a deal.¶ Plus, **if the spending and debt ceiling deals** morph into one**, there may be more issues on the table to discuss such as the sequester and the whole federal budget. That**, Walker said, **will** give Republicans more areas where they can look for victory.

#### The plan is a concession – dems would have to vote for the plan which appeases the GOP – causes a deal

Todd 10-3

“A Potential Way out,” <http://firstread.nbcnews.com/_news/2013/10/03/20801495-first-thoughts-a-potential-way-out>

“We have to get something out of this”: This is where Rep. Marlin Stutzman’s (R-IN) amazing and revealing quote comes into play. “We’re not going to be disrespected,” the Tea Party congressman said, per NBC's Frank Thorp. “We have to get something out of this. And I don’t know what that even is.” Let that quote sink: Stutzman is admitting that conservatives don’t even know what they want out of this fight. As we said yesterday, the deeper a hole you did, the harder it is to get out because suddenly you get this war mentality where you can’t fathom “surrendering” to the other side’s terms. And what Boehner seems to be almost BEGGING Democrats for is a fig leaf of something so that Republicans can get “something” out of this. If there is a “something” that Democrats MIGHT offer, keep an eye on the medical-device tax. It’s a way for Senate Democrats to recruit Senate Republicans to make a statement to House Republicans. Reid can say it is NOT connected to the shutdown, but they pass it as a stand-alone, send it to the House, and let Boehner spin it any way he wants to simply get the government open.

#### Their link is non-unique

NPR 9/21

“Have Obama's Troubles Weakened Him For Fall's Fiscal Fights?” http://www.ideastream.org/news/npr/224494760

President Obama has had a tough year. He failed to pass gun legislation. Plans for an immigration overhaul have stalled in the House. He barely escaped what would have been a humiliating rejection by Congress on his plan to strike Syria.¶ Just this week, his own Democrats forced Larry Summers, the president's first choice to head the Federal Reserve, to withdraw.¶ Former Clinton White House aide Bill Galston says all these issues have weakened the unity of the president's coalition.¶ "It's not a breach, but there has been some real tension there," he says, "and that's something that neither the president nor congressional Democrats can afford as the budget battle intensifies."¶ Obama is now facing showdowns with the Republicans over a potential government shutdown and a default on the nation's debt. On Friday, the House voted to fund government operations through mid-December, while also defunding the president's signature health care law — a position that's bound to fail in the Senate.¶ As these fiscal battles proceed, Republicans have been emboldened by the president's recent troubles, says former GOP leadership aide Ron Bonjean.

#### PC isn’t key and Obama isn’t spending it

Allen, 9/27

Politics reporter for Politico (Jonathan, “President Obama’s distance diplomacy” <http://www.politico.com/story/2013/09/government-shutdown-barack-obama-house-gop-97483.html?hp=t3_3>)

The White House’s distance diplomacy with Republicans is an approach that tacitly acknowledges three inescapable realities: There’s no one to negotiate with on the GOP side; Obama’s direct involvement in a pact would poison it for many rank and file Republicans; and Democrats don’t trust him not to cut a lousy deal.¶ Indeed, Democrats are urging Obama to stay at arm’s length from Congress so there’s no confusion over his message that he won’t negotiate on an increase in the debt limit, which the nation is expected to breach as early as Oct. 17 without legislative action.¶ “I believe the president has made it very clear, as we have tried to make it clear: There are no negotiations. We’re through,” Senate Majority Leader Harry Reid (D-Nev.) told POLITICO.¶ In past installments of the fiscal-failure soap opera, overheated rhetoric about government shutdowns and a default on the national debt has been matched by sober and direct deal-making behind the scenes — usually in the form of a virtual handshake between Vice President Joe Biden and Senate Minority Leader Mitch McConnell.¶ In the winter 2010 debate over tax cuts, Biden and McConnell agreed to extend all of the Bush-era tax cuts for two years, infuriating the left. In 2011, Boehner and Obama secretly discussed for weeks a possible grand-bargain deal — but when the details were leaked, Democrats were furious and the negotiations fell apart. And in 2012, Biden and McConnell averted the so-called fiscal cliff — but that greatly upset Reid, who believed the White House gave away too much to Republicans whose backs were against the wall.¶ Indeed, many Democrats had buyer’s remorse on aspects of those agreements, particularly a budget sequestration plan that has squeezed domestic and military spending, and the locking in of much of the Bush tax rates.¶ When Chief of Staff Denis McDonough and other senior White House aides quietly discussed budget issues with a group of Senate Republicans earlier this year, top Democrats believed it made little sense to continue negotiations that appeared to be going nowhere and didn’t seem likely to help their party.¶ So they’ve asked Obama himself to steer clear of this round of the debt fight and try to force Republicans to come to him. The Senate, on a party line 54-44 vote on Friday, sent a bill that would keep the government operating but dropped a House provision defunding Obamacare. Now the House is expected to load up the measure with more provisions that aren’t acceptable to Democrats — though it has been hard for House GOP leaders to herd their troops on a budget bill and a separate plan to raise the debt ceiling.¶ “You first need the Republicans to have a position to negotiate – they don’t yet,” Sen. Chuck Schumer (D-N.Y.), who often advises the White House on strategy, said Friday when asked about Obama’s posture. “Until the House Republican Caucus figures out what it wants to do, nobody can deal with them.”¶ Other than a terse phone call to Speaker John Boehner last Friday to reiterate that he won’t negotiate on the debt limit, Obama hasn’t talked to House Republicans — the key constituency in the fight.¶ The White House has let Reid take the lead in the latest fights, even scrapping a potential meeting at the White House with Obama and the three other congressional leaders to allow the process to play out on Capitol Hill. With Republicans fighting with each other over Obamacare, Democrats believe it makes far more sense to keep the focus on the GOP intraparty warfare, rather than risk putting Obama middle of a politically sensitive negotiation.¶ Republicans sourly note that Obama has been quicker to talk with Russian President Vladimir Putin — and now Iranian President Hassan Rouhani — than with House Speaker John Boehner.¶ “Grandstanding from the president, who refuses to even be a part of the process, won’t bring Congress any closer to a resolution,” said Brendan Buck, a spokesman for House Speaker John Boehner.¶ When McDonough went to the Hill this week for closed-door talks, it was to reassure fellow Democrats that the president wouldn’t fold early, as he’s been accused of doing in past budget battles.¶ Obama isn’t expected to meet with congressional leaders until after the Tuesday deadline to stop a government shutdown.¶ Asked if he believed that Obama would eventually have to engage directly in the fiscal fights, Reid said: “Not on the debt ceiling and not on the CR. Maybe on something else – but not these two. We have to fund the government and pay our bills.”¶ Whether Obama can sustain his no-negotiation position on the debt ceiling remains to be seen. Senate Republicans — even those who have balked at calls to use the threat of a government shutdown to defund Obamacare — say the president won’t get a clean debt ceiling increase.¶ “It’s what’s wrong with the government right now,” said Sen. Roy Blunt (R-Mo.), who voted to break a GOP-led filibuster blocking the continuing resolution. “I suppose the Congress might say we don’t want a negotiation on the debt ceiling either.”¶ If Obama can’t get 60 votes in the Senate for a clean debt ceiling increase, he will very likely to have to engage in direct talks with Republicans, even Democrats privately concede.¶ But for now, Democratic leaders say the president is doing what he has to: Making speeches to attack Republicans, and letting his allies on the Hill deal with the nitty-gritty of legislating and horse-trading.¶ Republican Rep. Mike Rogers (R-Mich.), who has worked with the White House on national security issues, says the president’s always had a “laissez-faire” approach to Congress.

#### Warming

Carrington 11

Damian Carrington 11, head environment reporter at the Guardian, “Food prices driven up by global warming, study shows”, May 5, <http://www.guardian.co.uk/environment/2011/may/05/food-prices-global-warming>

Global warming has already harmed the world's food production and has driven up food prices by as much as 20% over recent decades, new research has revealed. The drop in the productivity of crop plants around the world was not caused by changes in rainfall but was because higher temperatures can cause dehydration, prevent pollination and lead to slowed photosynthesis. Lester Brown, president of the Earth Policy Institute, Washington DC, said the findings indicate a turning point: "Agriculture as it exists today evolved over 11,000 years of reasonably stable climate, but that climate system is no more." Adaptation is difficult because our knowledge of the future is not strong enough to drive new investments, he said, "so we just keep going, hoping for the best." The scientists say their work shows how crucial it is to find ways to adapt farming to a warmer world, to ensure that rises in global population are matched by rising food production. "It is vital," said Wolfram Schlenker, at Columbia University in New York and one of the research team. "If we continue to have the same seed varieties and temperatures continue to rise, then food prices will rise further. [Addressing] that is the big question." The new research joins a small number of studies in which the fingerprint of climate change has been separated from natural variations in weather and other factors, demonstrating that the effects of warming have already been felt in the world. Scientists have shown that the chance of the severe heatwave that killed thousands in Europe in 2003 was made twice as likely by global warming, while other work showed that the floods that caused £3.5bn of damage in England in 2000 were made two to three times more likely.

#### And weather

Schooley 11

Tim Schooley 11, Pittsburgh Business Times, “Oil prices, bad weather send food prices skyward”, May 6, <http://www.bizjournals.com/pittsburgh/print-edition/2011/05/06/oil-prices-weather-food-proces-skyward.html>

Along with fast-rising fuel prices, weather-induced crop shortfalls also are affecting food prices. Those in the food and restaurant industries say they haven’t seen the kind of business challenges they are now since the gas price spike and credit crisis of 2008. “I don’t think the weather instability has ever been as hostile in the last 100 years as it was in the last 12 months,” wrote Jeremy Grantham, chief investment officer of GMO Capital, an investment management firm, in a recent report. “If you were to read a one-paragraph summary of almost any agricultural commodity, you would see weather listed as one of the causes of the price rising.” The U.S. Department of AgriculturebizWatch U.S. Department of Agriculture Latest from The Business Journals Federal aid available for fire-damaged homes, communitiesHare Wynn secures 0M settlement in rice caseTwo DeKalb DFCS workers guilty of fraud Follow this company projects rising prices for a host of food commodities: Beef, up 6 percent to 8 percent; pork, up 7.5 percent. Corn prices have doubled since last year, and wheat prices remain at near record highs.

#### No impact – multiple factors check

FXStreet.com, 9/25

An investing website (“4 Reasons Why You Shouldn't Worry Over This Year's Debt Ceiling Deadline” <http://www.fxstreet.com/analysis/piponomics/2013/09/25/>)

The U.S. debt ceiling deadline may be looming like dark clouds over the market horizon, but I've found a few reasons why this issue might not be such a big deal after all.¶ 1. In 2011 the market was also dealing with:¶ Back when the debt ceiling issue popped up in 2011, risk appetite was really low since markets were also troubled by Greece's potential default, Portugal's and Japan's debt downgrades, the prospect of another global recession, plus ongoing riots in the U.K. Clearly, the global economy had more problems than a math book!¶ This time around though, market sentiment is much different as major economies like the euro zone, the U.K., and even Japan and China are all looking at optimistic economic growth prospects. With that, the debt ceiling issue might simply make a tiny dent in risk appetite.¶ 2. The Fed is still stimulating the markets.¶ In the FOMC statement last week, the Fed decided to keep supporting the U.S. economy by refusing to taper its monthly asset purchases. Aside from helping sustain the progress in lending and spending, this could eventually stimulate the global economy as it would also ensure healthy demand and robust trade activity.¶ 3. The Dollar Index is hinting at a repeat of history.¶ If you look at the USDX chart you'll see that the dollar fell 200 pips from mid-July until early August when the debt ceiling deadline was due. It then encountered support at the 74.00 psychological area and even reached the 80.00 area by October.¶ This time around the USDX is consolidating at the 81.00 support on the daily chart. If history is to repeat itself, then the 200-pip fall from early September has already run its course. Does this mean that we're about to see a dollar rally soon?¶ 4. We've seen this before.¶ In 2011 the U.S. government alleviated the markets' fears by raising the debt ceiling and promising to reduce future increases in government spending. Then, in 2013, they got over the fiscal cliff hurdle by passing a last-minute bill that includes a $600 billion tax revenue in a span of ten years. And then there's the budget sequestration issue, which has gone relatively smoothly since early this year despite the onslaught of criticism.

#### XO solves

Weisenyhal 9/30

(Joe Weisenthal 9/30, Executive Editor for Business Insider, “It Increasingly Looks Like Obama Will Have To Raise The Debt Ceiling All By Himself,” <http://www.businessinsider.com/it-increasingly-looks-like-obama-will-have-to-raise-the-debt-ceiling-all-by-himself-2013-9>)

With no movement on either side and the debt ceiling fast approaching, there's increasing talk that the solution will be for Obama to issue an executive order and require the Treasury to continue paying U.S. debt holders even if the debt ceiling isn't raised.¶ Here's Greg Valliere at Potomac Research:¶ HOW DOES THIS END? What worries many clients we talk with is the absence of a clear end-game. We think three key elements will have to be part of the final outcome: First, a nasty signal from the stock market. Second, a daring move from Barack Obama to raise the debt ceiling by executive order if default appears to be imminent. Third, a capitulation by Boehner, ending the shut-down and debt crisis in an arrangement between a third of the House GOP and virtually all of the Democrats. ¶ Valliere isn't the only one seeing this outcome.¶ Here's David Kotok at Cumberland Advisors:¶ We expect this craziness to last into October and run up against the debt limit fight. In the final gasping throes of squabbling, we expect President Obama to use the President Clinton designed executive order strategy so that the US doesn’t default. There will then ensue a protracted court fight leading to a Supreme Court decision. The impasse may go that far. This is our American way. “Man Plans and God Laughs” says the Yiddish Proverb.¶ Indeed, back in 2011, Bill Clinton said he'd raise the debt ceiling by invoking the 14th Amendment rather than negotiate with the House GOP.¶ This time around, again, Clinton is advising Obama to call the GOP's bluff.

#### PC is low and decreasing

Steinhauser, 9/26

CNN Political Editor (Paul, “Obama's support slips; controversies, sluggish economy cited” <http://www.cnn.com/2013/09/26/politics/cnn-poll-of-polls-obama/?hpt=po_c2>)

As he battles with congressional Republicans over the budget and the debt ceiling, and as a key component of his health care law kicks in, new polling suggests that President Barack Obama's standing among Americans continues to deteriorate.¶ The president's approval rating stands at 45%, according to a CNN average of four national polls conducted over the past week and a half. And a CNN Poll of Polls compiled and released Thursday also indicates that Obama's disapproval rating at 49%.¶ In the afterglow of his re-election and second inauguration, the percentage of those approving of Obama's job performance hovered in the low 50s as the year began, according to CNN Poll of Poll averages.¶ But his numbers slipped to the upper 40s by spring and now have edged down to the mid 40s. At the same time, his disapproval numbers have edged up from the low 40s to right around the 50% mark.¶ Anxiety and skepticism over the Affordable Care Act, better known as Obamacare, continuing concerns over the sluggish economy, and a drop in the president's approval on foreign policy -- once his ace in the hole -- all appear to be contributing to the slide of Obama's general approval rating.¶ "Not a precipitous drop, but more like a continued erosion in the president's numbers," says CNN Chief Political Correspondent Candy Crowley. "The Boston Marathon bombings, Edward Snowden's 'big brother' revelations, the 'non-coup' in Egypt, the 'now we bomb, now we don't' policy in Syria, an economic recovery that remains disappointing, the uncertainty of how/what will change under the new health care system, shall I go on?"¶ "It all adds up to an awful lot of uncertainty and unfairly or not, uncertainty tends to breed lower poll numbers for the guy in charge," added Crowley, anchor of CNN's "State of the Union."¶ Besides being the main indicator of a president's standing with the public, a presidential approval rating is a good gauge of his clout in dealing with Congress.¶ The drop in his numbers comes as the president pushes back against attempts by congressional Republicans to use deadlines to keep the federal government funded and to extend the nation's debt ceiling to try and defund the health care law.¶ A slew of national polls conducted this month indicate that a majority doesn't support shutting down the government in order to defund Obamacare.¶ But if the fight shifts to the debt ceiling, public opinion appears to turn against the president, who reiterated on Thursday that he will not negotiate with the GOP in Congress over extending the debt ceiling.

**Security K**

#### Life should be valued as apriori – it precedes the ability to value anything else

Amien Kacou. 2008. WHY EVEN MIND? On The A Priori Value Of “Life”, Cosmos and History: The Journal of Natural and Social Philosophy, Vol 4, No 1-2 (2008) cosmosandhistory.org/index.php/journal/article/view/92/184

Furthermore, that manner of **finding things good** that is in pleasure **can certainly not exist in any world without consciousness (i.e., without “life,”** as we now understand the word)—slight analogies put aside. In fact, we can begin to develop a more sophisticated definition of the concept of “pleasure,” in the broadest possible sense of the word, as follows: it is the common psychological element in all psychological experience of goodness (be it in joy, admiration, or whatever else). In this sense, pleasure can always be pictured to “mediate” all awareness or perception or judgment of goodness: there is pleasure in all consciousness of things good; pleasure is the common element of all conscious satisfaction. In short, it is simply the very experience of liking things, or the liking of experience, in general. In this sense, **pleasure is, not only uniquely characteristic of life but also, the core expression of goodness in life—the most general sign or phenomenon for favorable conscious valuation**, in other words. This does not mean that “good” is absolutely synonymous with “pleasant”—what we value may well go beyond pleasure. (The fact that we value things needs not be reduced to the experience of liking things.) However, what we value beyond pleasure remains a matter of speculation or theory. Moreover, we note that a variety of things that may seem otherwise unrelated are correlated with pleasure—some more strongly than others. In other words, there are many things the experience of which we like. For example: the admiration of others; sex; or rock-paper-scissors. But, again, what they are is irrelevant in an inquiry on a priori value—what gives us pleasure is a matter for empirical investigation. Thus, we can see now that, in general, **something primitively valuable is attainable in living—that is, pleasure itself.** And it seems equally clear that we have a priori logical reason to pay attention to the world in any world where pleasure exists. Moreover, **we can now also articulate a foundation for a security interest in our life: since the good of pleasure can be found in living** (to the extent pleasure remains attainable),[17] **and only in living, therefore, a priori, life ought to be continuously (and indefinitely) pursued at least for the sake of preserving the possibility of finding that good.** However, this platitude about the value that can be found in life turns out to be, at this point, insufficient for our purposes. It seems to amount to very little more than recognizing that our subjective desire for life in and of itself shows that life has some objective value. For what difference is there between saying, “living is unique in benefiting something I value (namely, my pleasure); therefore, I should desire to go on living,” and saying, “I have a unique desire to go on living; therefore I should have a desire to go on living,” whereas the latter proposition immediately seems senseless? In other words, “life gives me pleasure,” says little more than, “I like life.” Thus, we seem to have arrived at the conclusion that **the fact that we already have some (subjective) desire for life shows life to have some (objective) value.** But, if that is the most we can say, then it seems our enterprise of justification was quite superficial, and the subjective/objective distinction was useless—for all we have really done is highlight the correspondence between value and desire. Perhaps, our inquiry should be a bit more complex.

**Risk framing empowers agency and is key to solve the alt**

Borraz, ‘7 [OLIVIER BORRAZ Centre de Sociologie des Organisations, Sciences Po-CNRS, Paris, “Risk and Public Problems,” Journal of Risk Research, 10, 7, Oct 2007, 941-957]

First, risk is the result of a dynamic, haphazard, controversial and unstable process of construction. In a sense, risk is never entirely stabilized, it is associated with many uncertainties, its status like its boundaries change, following the dynamics of contention which contributed to its emergence. More than a frame, risk is thus closer to a state in the life of a public problem (Gilbert, 2003b), a state characterized by fluidity in its boundaries, struggles over the definition of the risk, debates as to who is accountable, etc. Labelling a problem as a risk exerts pressure on political authorities, in a way which tests their capacity to act. It is also an opportunity for rules and power relations to be redefined. Generally, the boundary between risk and crisis is unclear (Besanc ̧on et al., 2004). Second, risk is inseparable from wider political controversies and conflicting values, ideas and interests. Whatever the issue, be it limited in scale (sewage sludge or mobile phone masts) or on the contrary high profile (nuclear waste, global warming, asbestos, GMO), the move into the state of risk allows for links to be made with broader political, economic, social, moral, ethical or environmental issues. The risk of an activity is always more than just a health or environmental safety issue: it also questions the multiple dimensions surrounding that activity (its benefits, use, effects, etc.).

**Fear is inevitable and productive – denying fear worse than danger control**

Sandman and Lanard 2003

Peter M. PhD in Communications and Professor at Rutgers specialzing in crisis communication; Jody, Psychiatrist, Sept 7, “Fear of fear”

Let’s start with the obvious. Any normal person is going to be more anxious than usual while awaiting a biopsy result, a turbulent airplane landing, or a layoff notice. Human **emotions tend to match the situation. The same is true of a more widespread threat**. Of course the public at large will be commensurately alarmed when told that a terrorism attack, an epidemic, or a hurricane may be approaching. Moreover, **fear** isn’t just normal in frightening situations; it **is functional**. Both the human body and the body politic ultimately benefit from the changes (physiological and sociological ... and inevitably emotional) that accompany preparedness for crisis. Take terrorism as a case in point. Nearly everyone agrees that we need people to be vigilant for indications of terrorist attacks; to prepare themselves and their families to cope with possible attacks; to be supportive of preparedness expenses and tolerant of preparedness inconveniences. And nearly everyone agrees that we need all this to ramp up in an actual attack, so that people put other agendas on hold, follow instructions willingly, and help care for their neighbors. The question is what emotional state, what state of mind, is conducive to this sort of public readiness. We believe the right answer is fear. We won’t get there if terrorism is merely one of many issues people are “concerned” about, along with West Nile Virus and inflation and rap lyrics. Either terrorism is different from most other concerns, or it isn’t. If it is, we need to get used to the idea that people are going to be appropriately frightened, and we need to help them get used to it too. Not all fear is functional. **Fear that is paralyzing**, fear that verges on panic, **is** obviously **not functional**. Terror is the goal of terrorism, not the goal of preparedness. But fear is not necessarily terror. This is a conceptual mistake officials routinely make, a mistake they seem terribly attracted to — **the** embedded, preconscious, **erroneous assumption that all fear is one short step removed from panic**. Some fear is. Most fear is not. When officials express their reluctance about “unduly frightening people,” they are literally right. The key word here is “unduly.” Unduly frightening people is wrong. Duly frightening people is right, and important. The problem is telling the two apart. The distinction is partly a matter of degree — “enough” fear versus “excessive” fear. Perhaps in addition there are kinds of fear like the kinds of cholesterol — “good” fear versus “bad” fear. But we suspect the key difference is neither the amount of fear nor the kind of fear, but rather people’s ability to bear the fear. Much is known about how to enhance that ability. Among the things that help: Give people things to do — action binds anxiety. Give people things to decide — decision-making provides more individual control, which makes fear more tolerable. Encourage appropriate anger — the desire to get even often trumps the desire to cower. Encourage love (and camaraderie) — soldiers, for example, fight for their friends and for their country. **Provide candid leadership — we get more frightened when our leaders seem to be misleading us. Show your own fear and show you can bear it** — apparently fearless leaders are little help to a fearful public. Most importantly, treat other people’s fear as legitimate. **Fear is likeliest to escalate into** terror or **panic** (or to flip into denial) **when it is treated as shameful and wrong**. “It’s natural to be afraid, I’m afraid too” is a much more empathic response to public fear than “there’s nothing to be afraid of.” If we want people to bear their fear, we must assure them that their fear is appropriate. Even fear that is statistically inappropriate can and should be legitimized as normal, understandable, and widespread. Leaders who are contemptuous of people’s fear have a much tougher time explaining the reasons why they needn’t be afraid.

**No risk of continual war making – institutional safeguards check**

Allen **Buchanan 7**, Professor of Philosophy and Public Policy at Duke, 2007 (Preemption: military action and moral justification, pg. 128)

The intuitively plausible idea behind the 'irresponsible act' argument is that, other things being equal, the higher the stakes in acting and in particular the greater the moral risk, the higher are the *epistemic requirements* for justified action. The decision to go to war is generally a high stakes decision par excellence and the moral risks are especially great, for two reasons. First, unless one is justified in going to war, one's deliberate killing of enemy combatants will he murder, indeed mass murder. Secondly, at least in large-scale modem war, it is a virtual certainty that one will kill innocent people even if one is justified in going to war and conducts the war in such a way as to try to minimize harm to innocents. Given these grave moral risks of going to war, quite apart from often substantial prudential concerns, some types of justifications for going to war may simply be too subject to abuse and error to make it justifiable to invoke them. The 'irresponsible act' objection is not a consequentialist objection in any interesting sense. It does not depend upon the assumption that every particular act of going to war preventively has unacceptably bad consequences (whether in itself or by virtue of contributing lo the general acceptance of a principle allowing preventive war); nor does it assume that it is always wrong lo rely on a justification which, if generally accepted, would produce unacceptable consequences. Instead, the "irresponsible act' objection is more accurately described as an agent-centered argument and more particularly an argument from moral epistemic responsibility. The 'irresponsible act' objection to preventive war is highly plausible if— but only if—one assumes that the agents who would invoke the preventive-war justification are, as it were, *on their own* in making the decision to go to war preventively. In other words, the objection is incomplete unless the context of decision-making is further specified. Whether the special risks of relying on the preventive-war justification are unacceptably high will depend, *inter alia,* upon whether the decision-making process includes effective provisions for redu­cing those special risks. Because the special risks are at least in significant part epistemic—due to the inherently speculative character of the preventive war-justification—the epistemic context of the decision is crucial. Because institutions can improve the epistemic performance of agents, it is critical to know what the institutional context of the preventive-war decision is, before we can regard the 'irresponsible agent' objection as conclusive. Like the 'bad practice' argument, this second objection to preventive war is inconclusive because it does not consider— and rule out—the possibility that well-designed institutions for decision-making could address the problems that would otherwise make it irresponsible for a leader to invoke the preventive-war justification.

#### Imperialism is key to stop war, terrorism and disease spread

Niall Ferguson. 2004. Historian @ NYU, COLLOSSAS: THE PRICE OF AMERICA’S EMPIRE, pp. 24-5

Unlike the majority of European writers who have written on this subject, I am fundamentally in favor of empire. Indeed, I believe that **empire is more necessary in the twenty-first century than ever before**. The threats we face are not in themselves new ones. But advances in technology make them more dangerous than ever before**. Thanks to the speed and regularity of modern air travel, infectious diseases can be transmitted to us with terrifying swiftness.** And **thanks to the relative cheapness and destructive­ness of modern weaponry, tyrants and terrorists can realistically think of devastating our cities.** The old, post-1945 system of sovereign states, bound loosely together by an evolving system of international law, cannot easily deal with these threats because there are too many nation-states where the writ of the "international community" simply does not run. **What is required is an agency capable of intervening in the affairs of such states to contain epidemics, depose tyrants, end local wars and eradicate terrorist or­ganizations. This is the self-interested argument for empire**. But **there is also a complementary altruistic argument. Even if they did not pose a direct threat to the security of the United States, the economic and social conditions in a number of countries in the world would justify some kind of intervention**. The poverty of a country like Liberia is explicable not in terms of resource endowment; otherwise (for example) Botswana would be just as poor."' The problem in Liberia, as in so many sub-Saharan African states, is simply misgovernment: corrupt and lawless dictators whose con­duct makes economic development impossible and encourages political opposition to take the form of civil wars **Countries in this condition will not correct themselves. They require the imposition of some kind of external authority.**

**The alt results in more securitization and intervention**

Tara McCormack, 2010, is Lecturer in International Politics at the University of Leicester and has a PhD in International Relations from the University of Westminster. 2010, (Critique, Security and Power: The political limits to emancipatory approaches, page 127-129)

The following section will briefly raise some questions about the rejection of the old security framework as it has been taken up by the most powerful institutions and states. Here we can begin to see the political limits to critical and emancipatory frameworks. In an international system which is marked by great power inequalities between states, the **rejection of the** old narrow national interest-based **security framework** by major international institutions, and the adoption of ostensibly emancipatory policies and policy rhetoric, **has the consequence of problematising weak or unstable states and allowing international institutions or major states a more interventionary role, yet without establishing mechanisms by which the citizens of states being intervened in might have any control over the agents or agencies of their emancipation**. Whatever the problems associated with the pluralist security framework **there were at least formal and clear demarcations. This has the consequence of entrenching international power inequalities and allowing for a shift towards a hierarchical international order in which the citizens in weak or unstable states may arguably have even less freedom or power than before**. Radical critics of contemporary security policies, such as human security and humanitarian intervention, argue that we see an assertion of Western power and the creation of liberal subjectivities in the developing world. For example, see Mark Duffield’s important and insightful contribution to the ongoing debates about contemporary international security and development. Duffield attempts to provide a coherent empirical engagement with, and theoretical explanation of, these shifts. Whilst these shifts, away from a focus on state security, and the so-called merging of security and development are often portrayed as positive and progressive shifts that have come about because of the end of the Cold War, Duffield argues convincingly that these shifts are highly problematic and unprogressive. For example, the rejection of sovereignty as formal international equality and a presumption of nonintervention has eroded the division between the international and domestic spheres and led to an international environment in which Western NGOs and powerful states have a major role in the governance of third world states. Whilst for supporters of humanitarian intervention this is a good development, Duffield points out the depoliticising implications, drawing on examples in Mozambique and Afghanistan. Duffield also draws out the problems of the retreat from modernisation that is represented by sustainable development. The Western world has moved away from the development policies of the Cold War, which aimed to develop third world states industrially. Duffield describes this in terms of a new division of human life into uninsured and insured life. Whilst we in the West are ‘insured’ – that is we no longer have to be entirely self-reliant, we have welfare systems, a modern division of labour and so on – sustainable development aims to teach populations in poor states how to survive in the absence of any of this. **Third world populations must be taught to be self-reliant, they will remain uninsured. Self-reliance of course means the condemnation of millions to a barbarous life of inhuman bare survival.** Ironically, although sustainable development is celebrated by many on the left today, by leaving people to fend for themselves rather than developing a society wide system which can support people, sustainable development actually leads to a less human and humane system than that developed in modern capitalist states. Duffield also describes how many of these problematic shifts are embodied in the contemporary concept of human security. For Duffield, we can understand these shifts in terms of Foucauldian biopolitical framework, which can be understood as a regulatory power that seeks to support life through intervening in the biological, social and economic processes that constitute a human population (2007: 16). Sustainable development and human security are for Duffield technologies of security which aim to *create* self-managing and self-reliant subjectivities in the third world, which can then survive in a situation of serious underdevelopment (or being uninsured as Duffield terms it) without causing security problems for the developed world. For Duffield this is all driven by a neoliberal project which seeks to control and manage uninsured populations globally. Radical critic Costas Douzinas (2007) also criticises new forms of cosmopolitanism such as human rights and interventions for human rights as a triumph of American hegemony. Whilst we are in agreement with critics such as Douzinas and Duffield that **these new security frameworks cannot be empowering, and ultimately lead to more power for powerful states,** we need to understand why these frameworks have the effect that they do. We can understand that these frameworks have political limitations without having to look for a specific plan on the part of current powerful states. **In new security frameworks such as human security we can see the political limits of the framework proposed by critical and emancipatory theoretical approaches**.

**Prefer specific scenarios – even if we invoke some security logic, the fact that others will securitize means that we have to make worst-case assessments to avoid escalation**

Ole **Waever**, Senior Research Fellow – Copenhagen Peace Research Inst., **2K** (I. R. Theory & the Politics of European Integration, ed Kelstrup/Williams p. 282-285)

The other main possibility is to stress responsibility. Particularly **in a field like security one has to make choices and deal with the challenges and risks that one confronts** – and not shy away into long-range or principled transformations. The meta-political line risks (despite the theoretical commitment to the concrete other) implying that politics can be contained within large ‘systemic’ questions. In line with the classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical transformation), there will be no more problems whereas in our situation (until the change) we should not deal with the ‘small questions’ of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida’s ‘justice’) is of a kind that can never be instantiated in any concrete political order – it is an experience of the undecidable that exceeds any concrete solution and re-inserts politics. Therefore, politics can never be reduced to meta-questions; there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the ‘opening’ oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and ‘produce events’ (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place ‘in the singular event of engagement’ (Derrida 1996: 83). Derrida’s politics is focused on the calls that demand response/responsibility in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. ‘Security’ is not a way to open (or keep open) an ethical horizon. **Security** is a much more situational concept oriented to the handling of specifics. It **belongs to the sphere of how to handle challenges – and avoid ‘the worst’** (Derrida 1991). Here enters again the possible pessimism hich for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some ‘good deed’, ‘I have assumed my responsibilities’ (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of another nation, of one family to the detriment of another family, of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would be no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks – and the question of how to handle them. Should developments be securitized (and if so, in what terms)? Often our reply will be to aim for de-securitization and then politics meet meta-politics; but **occasionally** the underlying **pessimism** regarding the prospects for orderliness and compatibility among human aspirations **will point to** **scenarios sufficiently worrisome that** **responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence – even if this occasionally means invoking/producing ‘structures’ or even using the dubious instrument of securitization**. In the case of current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of preempting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.

**Threats are real**

**Ravenal ‘9**

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Quite expectedly, the more doctrinaire of the non-interventionists take pains to deny any straightforward, and therefore legitimate, security motive in American foreign and military policy. In fact, this denial leads to a more sweeping rejection of any recognizably rational basis for American foreign policy, and, even, sometimes (among the more theoretical of the non-interventionists), a preference for non-rational accounts, or “models,” of virtually any nation’s foreign policy-making.4 One could call this tendency among anti-imperialists “motive displacement.” More specifically, in the cases under review here, one notes a receptivity to any reworking of history, and any current analysis of geopolitics, that denigrates “the threat”; and, along with this, a positing of “imperialism” (the almost self-referential and primitive impulse) as a sufficient explanation for the often strenuous and risky actions of great powers such as the United States. Thus, not only is “empire” taken to be a sufficient and, in some cases, a necessary condition in bringing about foreign “threats”; but, by minimizing the extent and seriousness of these threats, the anti-imperialists put themselves into the position of lacking a rational explanation for the derivation of the (pointless at best, counter-productive at worst) policies that they designate as imperialistic. A pungent example of this threat denigration and motive displacement is Eland’s account of American intervention in the Korean and Vietnam wars:¶ After North Korea invaded, the Truman administration intervened merely for the purpose of a demonstration to friends and foes alike. Likewise, according to eminent cold war historians, the United States did not inter- vene in Vietnam because it feared communism, which was fragmented, or the Soviet Union, which wanted détente with the West, or China, which was weak, but because it did not want to appear timid to the world. The behavior of the United States in both Korea and Vietnam is typical of imperial powers, which are always concerned about their reputation, pres- tige, and perceived resolve. (Eland 2004, 64)¶ Of course, the motive of “reputation,” to the extent that it exists in any particular instance, is a part of the complex of motives that characterize a great power that is drawn toward the role of hegemon (not the same thing as “empire”). Reputation is also a component of the power projec- tion that is designed to serve the interest of national security. Rummaging through the concomitants of “imperialism,” Eland (2004, 65) discovers the thesis of “threat inflation” (in this case, virtual threat invention): Obviously, much higher spending for the military, homeland security, and foreign aid are required for a policy of global intervention than for a policy of merely defending the republic. For example, after the cold war, the security bureaucracies began looking for new enemies to justify keeping defense and intelligence budgets high. Similarly, Eland (ibid., 183), in a section entitled “Imperial Wars Spike Corporate Welfare,” attributes a large portion of the U.S. defense budget—particularly the procurement of major weapons systems, such as “Virginia-class submarines . . . aircraft carriers . . . F-22 fighters . . . [and] Osprey tilt-rotor transport aircraft”—not to the systemically derived requirement for certain kinds of military capabilities, but, rather, to the imperatives of corporate pork. He opines that such weapons have no stra- tegic or operational justification; that “the American empire, militarily more dominant than any empire in world history, can fight brushfire wars against terrorists and their ‘rogue’ state sponsors without those gold- plated white elephants.”¶ **The underlying notion of “the security bureaucracies . . . looking for new enemies” is a threadbare concept** that has somehow taken hold across the political spectrum, from the radical left (viz. Michael Klare [1981], who refers to a “threat bank”), to the liberal center (viz. Robert H. Johnson [1997], who dismisses most alleged “threats” as “improbable dangers”), to libertarians (viz. Ted Galen Carpenter [1992], Vice President for Foreign and Defense Policy of the Cato Institute, who wrote a book entitled A Search for Enemies). **What is missing from most analysts’ claims of “threat inflation,” however, is a convincing theory of why, say, the American government significantly (not merely in excusable rhetoric) might magnify and even invent threats (and, more seriously, act on such inflated threat estimates).** In a few places, Eland (2004, 185) suggests that such behavior might stem from military or national security bureaucrats’ attempts to enhance their personal status and organizational budgets, or even from the influence and dominance of “the military-industrial complex”; viz.: “Maintaining the empire and retaliating for the blowback from that empire keeps what President Eisenhower called the military-industrial complex fat and happy.” Or, in the same section:¶ In the nation’s capital, vested interests, such as the law enforcement bureaucracies . . . routinely take advantage of “crises”to satisfy parochial desires. Similarly, many corporations use crises to get pet projects— a.k.a. pork—funded by the government. And national security crises, because of people’s fears, are especially ripe opportunities to grab largesse. (Ibid., 182)¶ Thus, “bureaucratic-politics” theory, which once made several reputa- tions (such as those of Richard Neustadt, Morton Halperin, and Graham Allison) in defense-intellectual circles, and spawned an entire sub-industry within the field of international relations,5 is put into the service of dismissing putative security threats as imaginary. So, too, can a surprisingly cognate theory, “public choice,”6 which can be considered the right-wing analog of the “bureaucratic-politics” model, and is a preferred interpretation of governmental decision- making among libertarian observers. As Eland (2004, 203) summarizes:¶ Public-choice theory argues [that] the government itself can develop sepa- rate interests from its citizens. The government reflects the interests of powerful pressure groups and the interests of the bureaucracies and the bureaucrats in them. Although this problem occurs in both foreign and domestic policy, it may be more severe in foreign policy because citizens pay less attention to policies that affect them less directly.¶ There is, in this statement of public-choice theory, a certain ambiguity, and a certain degree of contradiction: Bureaucrats are supposedly, at the same time, subservient to societal interest groups and autonomous from society in general.¶ This journal has pioneered the argument that state autonomy is a likely consequence of the public’s ignorance of most areas of state activity (e.g., Somin 1998; DeCanio 2000a, 2000b, 2006, 2007; Ravenal 2000a). But state autonomy does not necessarily mean that bureaucrats substitute their own interests for those of what could be called the “national society” that they ostensibly serve. I have argued (Ravenal 2000a) that, precisely because of the public-ignorance and elite-expertise factors, and especially because the opportunities—at least for bureaucrats (a few notable post-government lobbyist cases nonwithstanding)—for lucrative self-dealing are stringently fewer in the defense and diplomatic areas of government than they are in some of the contract-dispensing and more under-the-radar-screen agencies of government, the “public-choice” imputation of self-dealing, rather than working toward the national interest (which, however may not be synonymous with the interests, perceived or expressed, of citizens!) is less likely to hold. In short, state autonomy is likely to mean, in the derivation of foreign policy, that “state elites” are using rational judgment, in insulation from self-promoting interest groups—about what strategies, forces, and weapons are required for national defense.¶ Ironically, “public choice”—not even a species of economics, but rather a kind of political interpretation—is not even about “public” choice, since, like the bureaucratic-politics model, it repudiates the very notion that bureaucrats make truly “public” choices; rather, they are held, axiomatically, to exhibit “rent-seeking” behavior, wherein they abuse their public positions in order to amass private gains, or at least to build personal empires within their ostensibly official niches. Such sub- rational models actually explain very little of what they purport to observe. Of course, there is some truth in them, regarding the “behavior” of some people, at some times, in some circumstances, under some conditions of incentive and motivation. But the factors that they posit operate mostly as constraints on the otherwise rational optimization of objectives that, if for no other reason than the playing out of official roles, transcends merely personal or parochial imperatives.¶ My treatment of “role” differs from that of the bureaucratic-politics theorists, whose model of the derivation of foreign policy depends heavily, and acknowledgedly, on a narrow and specific identification of the role- playing of organizationally situated individuals in a partly conflictual “pulling and hauling” process that “results in” some policy outcome. Even here, bureaucratic-politics theorists Graham Allison and Philip Zelikow (1999, 311) allow that “some players are not able to articulate [sic] the governmental politics game because their conception of their job does not legitimate such activity.” This is a crucial admission, and one that points— empirically—to the need for a broader and generic treatment of role.¶ Roles (all theorists state) give rise to “expectations” of performance. My point is that **virtually every governmental role, and especially national-security roles**, **and particularly the roles of the uniformed mili- tary, embody** expectations of devotion to the “national interest”; rational- ity in the derivation of policy at every functional level; and **objectivity in the treatment of parameters, especially external parameters such as “threats” and the power and capabilities of other nations.**¶ **Sub-rational models** (such as “public choice”) **fail** **to take into account even a partial dedication to the “national” interest** (**or even the possibility that the national interest may be honestly misconceived in more paro- chial terms). In contrast, an official’s role connects the individual to the (state-level) process, and moderates the** (perhaps otherwise) **self-seeking impulses of the individual. Role-derived behavior tends to be formalized and codified; relatively transparent and at least peer-reviewed, so as to be consistent with expectations; surviving the particular individual and trans- mitted to successors and ancillaries; measured against a standard and thus corrigible; defined in terms of the performed function and therefore derived from the state function; and uncorrrupt, because personal cheating and even egregious aggrandizement are conspicuously discouraged**.¶ My own direct observation suggests that **defense decision-makers attempt to “frame” the structure of the problems that they try to solve on the basis of the most accurate intelligence. They make it their business to know where the threats come from. Thus, threats are not “socially constructed”** (even though, of course, some values are).¶ **A major reason for the rationality, and the objectivity, of the process is that much security planning is done, not in vaguely undefined circum- stances that offer scope for idiosyncratic, subjective behavior, but rather in structured and reviewed organizational frameworks. Non-rationalities (which are bad for understanding and prediction) tend to get filtered out. People are fired for presenting skewed analysis and for making bad predictions. This is because something important is riding on the causal analysis and the contingent prediction.** For these reasons, “**public choice” does not have the “feel” of reality to many critics who have participated in the structure of defense decision-making. In that structure**, obvious, and even not-so-obvious, **“rent-seeking” would not only be shameful; it would present a severe risk of career termination.** And, as mentioned**, the defense bureaucracy is hardly a productive place for truly talented rent-seekers to operate, compared to opportunities for personal profit in the commercial world. A bureaucrat’s very self-placement in these reaches of government testi- fies either to a sincere commitment to the national interest or to a lack of sufficient imagination to exploit opportunities for personal profit.**

**Rejecting security allows private forces to fill in the security vacuum left by the state resulting in more violent forms of securitization**

**Loader and Walker 07** <Ian and Neil, professor of criminology and Director of the center for Criminology at Oxford Professor of European Law European University Institute Florence , *Civilizing Security*, pg 22-25)

**Today it cannot be assumed that the state remains pre-eminent in either authorizing or delivering** policing and **security**. **Other non-state actors now lay claim to authority and competence in this field**. In defence of the contention that what Johnston and Shearing (2003) call the ‘governance of security’ is conducted by a multiplicity of institutions, one can point to the following: • **Private security has become big business across the world.** In Britain, the USA, Canada, South Africa and beyond it has long been acknowledged that those employed by commercial security outfits outstrip the total number of public police officers. Private security operatives are hired by corporations, national and local governments, and private citizens to guard office complexes, airports, universities, housing estates, schools, hospitals, shopping centres, civic buildings, courts, even police stations. People’s access to, and conduct within, large tracts of urban space is regulated by private security guards, employed by commercial companies, enforcing property rather than criminal law. Such guards also, in some settings, engage in ‘front-line’ law enforcement and order maintenance policework (Rigakos 2002). 1 Anxious citizens, in turn, rely on the security market for an array of protective hardware (alarms, gates, locks, CCTV systems), as well as resorting to forms of self-policing — often encouraged by insurance companies and neo-liberal governments. Some have formed ‘private residential associations’ or sought security inside ‘gated communities’, withdrawing their demand and support for public provision (including policing provision) in the process. In response, the public police increasingly act as market players, contracting-out non-core ‘business’, eliciting corporate sponsorship, and marketing or even selling their services to a public disaggregated into individual ‘customers’. • **All this is happening in societies with strong, established states**. In those with weak or failing states, or undergoing political transition, the public police are not the only or main security actor, nor can they lay claim to a monopoly over legitimate force inside their territory. **Across many parts of the globe today** — in Italy, Colombia, Brazil, Northern Ireland, Russia, Afghanistan, the impacted ghettos of US and European cities **one finds alternative power centres contesting state authority, ‘shadow sovereigns’** (Nordstrom 2000) operating their own codes of behaviour and mechanisms of enforcement (Gambetta 1993; Varese 2001). In these contexts, those who can afford to have, once more, fled behind walls, venturing from their residential enclosures only to make passage to other protected work and leisure domains. **The dispossessed by contrast are left at the mercy not only of militarized, partisan police forces, but also criminal gangs, hired ‘rent-a-cops’ and urban vigilantes.** Alternatively, in some isolated pockets parts of South Africa and Argentina for instance — poor communities are striving to put in place non-violent, local capacity-building forms of non-state security governance. • Nor are these developments confined within the borders of modern states. ‘**Security’ has also become a multinational business, one that crosses territorial boundaries and further erodes the internal/external security distinction.** Several private security enterprises now trade their wares across the globe (Johnston 2006). They sell security advice, equipment and personnel to anxious citizens and warring factions in weak and failed states. They claim to be filling the ‘security gaps’ left by the fall of communist rule in the former Soviet Union and eastern Europe. And they offer to serve and protect the interests of multinationals operating in disordered, crime-ridden locations. To this, one can add the ‘privatization of violence’ occurring in many conflict and post-conflict zones around the world, as ‘private military firms’ such as MPRI and Dyncorp — dubbed by Peter Singer (2003) ‘corporate warriors’ — promote and sell military ‘know-how’, equipment and intervention to beleaguered governments and other armed groups (Avant 2005). It is a telling symbol of these trends that one of the fastest-growing industries in post- invasion Iraq is private security. **These examples** too we will flesh out in more detail below. What they serve for the moment to **illustrate** is **the existence of a pluralized — market-driven — environment where the state exists alongside, sponsors and competes against a plethora of non-state actors in a bid to promise security to citizens**. It is a field where the state is not only less and less involved in delivering policing and security on the ground — what Osborne and Gaebler (1992) call ‘rowing’ — but also often lacks the effective regulatory capacity to ‘steer’. It is a field constituted by new sites of rule and authority beyond the state, one where market power or communal ordering escapes from the forms of public will- formation that only the democratic state can supply. **Against this backdrop, the project of civilizing security is faced not only** (or even mainly) **with the task of controlling the arbitrary, discriminatory exercise of sovereign force, or with the excesses of state power. It is confronted, rather more, with a notable absence of political institutions with the capacity and legitimacy required to prevent those with ‘the loudest voices and the largest pockets’** (Johnston and Shearing 2003: 144) **from organizing their own ‘security’ in ways that impose unjustifiable burdens of insecurity upon others**. Or, to put the same point more widely: **These days, the main obstacle to social justice is not the invasive intentions or proclivities of the state, but its growing impotence,** aided and abetted daily by the officially adopted ‘there is no alternative’ creed. I suppose that **the danger we will have to fight back in the coming century won’t be totalitarian coercion, the main preoccupation of the century just ended, but the falling apart of ‘totalities’ capable of securing the autonomy of human society.** (Bauman and Tester 2001: 139)

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## Terrorism Adv

#### High risk of nuclear terrorism- multiple facets of acquisition and use

Dvorkin 12

(Vladimir, (retired) Major General, doctor of technical sciences, professor, and senior fellow at the Center for International Security of the Institute of World Economy and International Relations of the Russian Academy of Sciences, September 21, “What Can Destroy Strategic Stability: Nuclear Terrorism Is a real Threat”, <http://belfercenter.ksg.harvard.edu/publication/22333/what_can_destroy_strategic_stability.html?breadcrumb=%2Fproject%2F62%2Fusrussia_initiative_to_prevent_nuclear_terrorism>)

There is growing concern in the world about the threat of nuclear terrorism. There are sufficient grounds for such concerns even though there has been so far no direct evidence of international terrorist organizations conducting work to build improvised nuclear devices. We can assume from statements by certain terrorist organizations affiliated with al-Qaeda that they seek to acquire such devices for propaganda effect only.¶ Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby. The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device. Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures

#### Terrorists want and will use nukes

Buskirk and Toma ‘13

(Major General George A. Buskirk (Ret.) and Alexandra Toma “Buskirk and Toma: Making America Safer From Nuclear Terrorism” April 10, 2013, 5 a.m. <http://www.rollcall.com/news/buskirk_and_toma_making_america_safer_from_nuclear_terrorism-223832-1.html>, TSW)

Three years ago this week, President Barack Obama signed the New START treaty with Russia.¶ The stroke of a pen ended the lull in inspections of Russia’s nuclear stockpile and allowed the U.S. and Russia to start eliminating excess Cold War nuclear capabilities in a mutual, verifiable way.¶ Reflective of its name, the treaty was a new start in a much more aggressive global effort to decrease the modern risk posed by nuclear weapons: preventing terrorists from acquiring a nuclear weapon, a commitment shared by former Presidents Ronald Reagan and George W. Bush, as well as national security officials from both political parties. So just what more can we do to keep America and her allies safe from the modern threat posed by nuclear terrorism?¶ While the threat of a nuclear war has plummeted since the end of the Cold War, the risk posed by the spread of nuclear materials has risen. Two thousand cases of illicit or unauthorized trafficking of nuclear and radioactive material have occurred in the past two decades. In fact, just last year seven people were arrested in Moldova carrying AK-47’s, hand grenades, and uranium that could be used to produce a nuclear bomb. There is a growing and continued black market demand for these materials — bold new thinking and political will is needed to combat this distinctly 21st century nuclear risk.¶ It is clear terrorists are trying to get “the bomb.” Interrogations of Khalid Sheikh Mohammed, the al-Qaida operative who planned the September 11th terrorist attacks, revealed al-Qaida hoped to unleash a “nuclear hellstorm” if Osama bin Laden was killed. Bin Laden himself previously stated that he considered it a religious obligation to obtain nuclear weapons. If al-Qaida does obtain a nuclear weapon, there is little doubt they will use it. Of course, obtaining a nuclear weapon is a relatively difficult task. Unfortunately (and scarily), obtaining the materials to build one isn’t.

#### Even a 1% risk of nuclear terrorism demands action

Bunn 10

Matthew Bunn, (Prof., Government, Harvard U.), DEBATING TERRORISM AND COUNTERTERRORISM: CONFLICTING PERSPECTIVES ON CAUSES, CONTEXTS, AND RESPONSES, 2010, 179.

The fact is that estimates and models of fundamentally unknown probabilities only go so far. Even a 1 percent chance of nuclear terrorism over the next ten years would be enough to justify substantial action to reduce the risk, given the unimaginable scale of the consequences. No one in his right mind would operate a nuclear power plant upwind of a major city that had a 1 percent chance over ten years of blowing sky-high -- the risk would be understood by all to be too great. But that, in effect, is what countries are doing -- or worse -- by managing the world's nuclear stockpiles as they do today, and by not doing nearly as much as they should to address the multifaceted threat of nuclear terrorism.

#### Causes miscalc and nuclear war with Russia and China

Ayson 10

(Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington, Robert, “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects,” Studies in Conflict & Terrorism, Volume 33, Issue 7, July, Available Online to Subscribing Institutions via InformaWorld)

Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response.

#### A nuclear terror attack on the U.S. will compel retaliatory lashout- escalates to global nuclear war

Speice 6

– 06 JD Candidate @ College of William and Mary [Patrick F. Speice, Jr., “NEGLIGENCE AND NUCLEAR NONPROLIFERATION: ELIMINATING THE CURRENT LIABILITY BARRIER TO BILATERAL U.S.-RUSSIAN NONPROLIFERATION ASSISTANCE PROGRAMS,” William & Mary Law Review, February 2006, 47 Wm and Mary L. Rev. 1427

Accordingly, there is a significant and ever-present risk that terrorists could acquire a nuclear device or fissile material from Russia as a result of the confluence of Russian economic decline and the end of stringent Soviet-era nuclear security measures." 9 Terrorist groups could acquire a nuclear weapon by a number of methods, including "steal[ing] one intact from the stockpile of a country possessing such weapons, or ... [being] sold or given one by such a country, or [buying or stealing] one from another subnational group that had obtained it in one of these ways. '' 4 ' Equally threatening, however, is the risk that terrorists will steal or purchase fissile material and construct a nuclear device on their own. Very little material is necessary to construct a highly destructive nuclear weapon. 41 Although nuclear devices are extraordinarily complex, the technical barriers to constructing a workable weapon are not significant. 42 Moreover, the sheer number of methods that could be used to deliver a nuclear device into the United States makes it incredibly likely that terrorists could successfully employ a nuclear weapon once it was built. 4 ' Accordingly, supply-side controls that are aimed at preventing terrorists from acquiring nuclear material in the first place are the most effective means of countering the risk of nuclear terrorism. 44 Moreover, the end of the Cold War eliminated the rationale for maintaining a large military-industrial complex in Russia, and the nuclear cities were closed. 45 This resulted in at least 35,000 nuclear scientists becoming unemployed in an economy that was collapsing. 4 Although the economy has stabilized somewhat, there are still at least 20,000 former scientists who are unemployed or underpaid and who are too young to retire, 47 raising the chilling prospect that these scientists will be tempted to sell their nuclear knowledge, or steal nuclear material to sell, to states or terrorist organizations with nuclear ambitions. 4 " The potential consequences of the unchecked spread of nuclear knowledge and material to terrorist groups that seek to cause mass destruction in the United States are truly horrifying. A terrorist attack with a nuclear weapon would be devastating in terms of immediate human and economic losses. 49 Moreover, there would be immense political pressure in the United States to discover the perpetrators and retaliate with nuclear weapons, massively increasing the number of casualties and potentially triggering a full-scale nuclear conflict.' In addition to the threat posed by terrorists, leakage of nuclear knowledge and material from Russia will reduce the barriers that states with nuclear ambitions face and may trigger widespread proliferation of nuclear weapons. 5 ' This proliferation will increase the risk of nuclear attacks against the United States or its allies by hostile states, 5 2 as well as increase the likelihood that regional conflicts will draw in the United States and escalate to the use of nuclear weapons. 53

#### Risk of nuclear terrorism is real and high now

Bunn, et al, 10/2/13

[ Bunn, Matthew, Valentin Kuznetsov, Martin B. Malin, Yuri Morozov, Simon Saradzhyan, William H. Tobey, Viktor I. Yesin, and Pavel S. Zolotarev. "Steps to Prevent Nuclear Terrorism." Paper, Belfer Center for Science and International Affairs, Harvard Kennedy School, October 2, 2013, Matthew Bunn. Professor of the Practice of Public Policy at Harvard Kennedy School andCo-Principal Investigator of Project on Managing the Atom at Harvard University’s Belfer Center for Science and International Affairs. • Vice Admiral Valentin Kuznetsov (retired Russian Navy). Senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, Senior Military Representative of the Russian Ministry of Defense to NATO from 2002 to 2008. • Martin Malin. Executive Director of the Project on Managing the Atom at the Belfer Center for Science and International Affairs. • Colonel Yuri Morozov (retired Russian Armed Forces). Professor of the Russian Academy of Military Sciences and senior research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, chief of department at the Center for Military-Strategic Studies at the General Staff of the Russian Armed Forces from 1995 to 2000. • Simon Saradzhyan. Fellow at Harvard University’s Belfer Center for Science and International Affairs, Moscow-based defense and security expert and writer from 1993 to 2008. • William Tobey. Senior fellow at Harvard University’s Belfer Center for Science and International Affairs and director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism, deputy administrator for Defense Nuclear Nonproliferation at the U.S. National Nuclear Security Administration from 2006 to 2009. • Colonel General Viktor Yesin (retired Russian Armed Forces). Leading research fellow at the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences and advisor to commander of the Strategic Missile Forces of Russia, chief of staff of the Strategic Missile Forces from 1994 to 1996. • Major General Pavel Zolotarev (retired Russian Armed Forces). Deputy director of the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, head of the Information and Analysis Center of the Russian Ministry of Defense from1993 to 1997, section head - deputy chief of staff of the Defense Council of Russia from 1997 to 1998.<http://belfercenter.ksg.harvard.edu/publication/23430/steps_to_prevent_nuclear_terrorism.html>]

Introduction In 2011, Harvard’s Belfer Center for Science and International Affairs and the Russian Academy of Sciences’ Institute for U.S. and Canadian Studies published “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism.” The assessment analyzed the means, motives, and access of would-be nuclear terrorists, and concluded that the threat of nuclear terrorism is urgent and real. The Washington and Seoul Nuclear Security Summits in 2010 and 2012 established and demonstrated a consensus among political leaders from around the world that nuclear terrorism poses a serious threat to the peace, security, and prosperity of our planet. For any country, a terrorist attack with a nuclear device would be an immediate and catastrophic disaster,

and the negative effects would reverberate around the world far beyond the location and moment of the detonation. Preventing a nuclear terrorist attack requires international cooperation to secure nuclear materials, especially among those states producing nuclear materials and weapons. As the world’s two greatest nuclear powers, the United States and Russia have the greatest experience and capabilities in securing nuclear materials and plants and, therefore, share a special responsibility to lead international efforts to prevent terrorists from seizing such materials and plants. The depth of convergence between U.S. and Russian vital national interests on the issue of nuclear security is best illustrated by the fact that bilateral cooperation on this issue has continued uninterrupted for more than two decades, even when relations between the two countries occasionally became frosty, as in the aftermath of the August 2008 war in Georgia. Russia and the United States have strong incentives to forge a close and trusting partnership to prevent nuclear terrorism and have made enormous progress in securing fissile material both at home and in partnership with other countries. However, to meet the evolving threat posed by those individuals intent upon using nuclear weapons for terrorist purposes, the United States and Russia need to deepen and broaden their cooperation. The 2011 “U.S. - Russia Joint Threat Assessment” offered both specific conclusions about the nature of the threat and general observations about how it might be addressed. This report builds on that foundation and analyzes the existing framework for action, cites gaps and deficiencies, and makes specific recommendations for improvement. “The U.S. – Russia Joint Threat Assessment on Nuclear Terrorism” (The 2011 report executive summary): • Nuclear terrorism is a real and urgent threat. Urgent actions are required to reduce the risk. The risk is driven by the rise of terrorists who seek to inflict unlimited damage, many of whom have sought justification for their plans in radical interpretations of Islam**;** by the spread of information about the decades-old technology of nuclear weapons; by the increased availability of weapons-usable nuclear materials; and by globalization, which makes it easier to move people, technologies, and materials across the world. • Making a crude nuclear bomb would not be easy, but is potentially within the capabilities of a technically sophisticated terrorist group, as numerous government studies have confirmed. Detonating a stolen nuclear weapon would likely be difficult for terrorists to accomplish, if the weapon was equipped with modern technical safeguards (such as the electronic locks known as Permissive Action Links, or PALs). Terrorists could, however, cut open a stolen nuclear weapon and make use of its nuclear material for a bomb of their own. • The nuclear material for a bomb is small and difficult to detect, making it a major challenge to stop nuclear smuggling or to recover nuclear material after it has been stolen. Hence, a primary focus in reducing the risk must be to keep nuclear material and nuclear weapons from being stolen by continually improving their security, as agreed at the Nuclear Security Summit in Washington in April 2010. • Al-Qaeda has sought nuclear weapons for almost two decades. The group has repeatedly attempted to purchase stolen nuclear material or nuclear weapons, and has repeatedly attempted to recruit nuclear expertise. Al-Qaeda reportedly conducted tests of conventional explosives for its nuclear program in the desert in Afghanistan. The group’s nuclear ambitions continued after its dispersal following the fall of the Taliban regime in Afghanistan. Recent writings from top al-Qaeda leadership are focused on justifying the mass slaughter of civilians, including the use of weapons of mass destruction, and are in all likelihood intended to provide a formal religious justification for nuclear use. While there are significant gaps in coverage of the group’s activities, al-Qaeda appears to have been frustrated thus far in acquiring a nuclear capability; it is unclear whether the the group has acquired weapons-usable nuclear material or the expertise needed to make such material into a bomb. Furthermore, pressure from a broad range of counter-terrorist actions probably has reduced the group’s ability to manage large, complex projects, but has not eliminated the danger. However, there is no sign the group has abandoned its nuclear ambitions. On the contrary, leadership statements as recently as 2008 indicate that the intention to acquire and use nuclear weapons is as strong as ever.

#### Finishing Bunn

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#### Diseases end civilization

David Quammen 12, award-winning science writer, long-time columnist for Outside magazine for fifteen years, with work in National Geographic, Harper's, Rolling Stone, the New York Times Book Review and other periodicals, 9/29, “Could the next big animal-to-human disease wipe us out?,” The Guardian, pg. 29, Lexis

Infectious disease is all around us. It's one of the basic processes that ecologists study, along with predation and competition. Predators are big beasts that eat their prey from outside. Pathogens (disease-causing agents, such as viruses) are small beasts that eat their prey from within. Although infectious disease can seem grisly and dreadful, under ordinary conditions, it's every bit as natural as what lions do to wildebeests and zebras. But conditions aren't always ordinary. Just as predators have their accustomed prey, so do pathogens. And just as a lion might occasionally depart from its normal behaviour - to kill a cow instead of a wildebeest, or a human instead of a zebra - so a pathogen can shift to a new target. Aberrations occur. When a pathogen leaps from an animal into a person, and succeeds in establishing itself as an infectious presence, sometimes causing illness or death, the result is a zoonosis. It's a mildly technical term, zoonosis, unfamiliar to most people, but it helps clarify the biological complexities behind the ominous headlines about swine flu, bird flu, Sars, emerging diseases in general, and the threat of a global pandemic. It's a word of the future, destined for heavy use in the 21st century. Ebola and Marburg are zoonoses. So is bubonic plague. So was the so-called Spanish influenza of 1918-1919, which had its source in a wild aquatic bird and emerged to kill as many as 50 million people. All of the human influenzas are zoonoses. As are monkeypox, bovine tuberculosis, Lyme disease, West Nile fever, rabies and a strange new affliction called Nipah encephalitis, which has killed pigs and pig farmers in Malaysia. Each of these zoonoses reflects the action of a pathogen that can "spillover", crossing into people from other animals. Aids is a disease of zoonotic origin caused by a virus that, having reached humans through a few accidental events in western and central Africa, now passes human-to-human. This form of interspecies leap is not rare; about 60% of all human infectious diseases currently known either cross routinely or have recently crossed between other animals and us. Some of those - notably rabies - are familiar, widespread and still horrendously lethal, killing humans by the thousands despite centuries of efforts at coping with their effects. Others are new and inexplicably sporadic, claiming a few victims or a few hundred, and then disappearing for years. Zoonotic pathogens can hide. The least conspicuous strategy is to lurk within what's called a reservoir host: a living organism that carries the pathogen while suffering little or no illness. When a disease seems to disappear between outbreaks, it's often still lingering nearby, within some reservoir host. A rodent? A bird? A butterfly? A bat? To reside undetected is probably easiest wherever biological diversity is high and the ecosystem is relatively undisturbed. The converse is also true: ecological disturbance causes diseases to emerge. Shake a tree and things fall out. Michelle Barnes is an energetic, late 40s-ish woman, an avid rock climber and cyclist. Her auburn hair, she told me cheerily, came from a bottle. It approximates the original colour, but the original is gone. In 2008, her hair started falling out; the rest went grey "pretty much overnight". This was among the lesser effects of a mystery illness that had nearly killed her during January that year, just after she'd returned from Uganda. Her story paralleled the one Jaap Taal had told me about Astrid, with several key differences - the main one being that Michelle Barnes was still alive. Michelle and her husband, Rick Taylor, had wanted to see mountain gorillas, too. Their guide had taken them through Maramagambo Forest and into Python Cave. They, too, had to clamber across those slippery boulders. As a rock climber, Barnes said, she tends to be very conscious of where she places her hands. No, she didn't touch any guano. No, she was not bumped by a bat. By late afternoon they were back, watching the sunset. It was Christmas evening 2007. They arrived home on New Year's Day. On 4 January, Barnes woke up feeling as if someone had driven a needle into her skull. She was achy all over, feverish. "And then, as the day went on, I started developing a rash across my stomach." The rash spread. "Over the next 48 hours, I just went down really fast." By the time Barnes turned up at a hospital in suburban Denver, she was dehydrated; her white blood count was imperceptible; her kidneys and liver had begun shutting down. An infectious disease specialist, Dr Norman K Fujita, arranged for her to be tested for a range of infections that might be contracted in Africa. All came back negative, including the test for Marburg. Gradually her body regained strength and her organs began to recover. After 12 days, she left hospital, still weak and anaemic, still undiagnosed. In March she saw Fujita on a follow-up visit and he had her serum tested again for Marburg. Again, negative. Three more months passed, and Barnes, now grey-haired, lacking her old energy, suffering abdominal pain, unable to focus, got an email from a journalist she and Taylor had met on the Uganda trip, who had just seen a news article. In the Netherlands, a woman had died of Marburg after a Ugandan holiday during which she had visited a cave full of bats. Barnes spent the next 24 hours Googling every article on the case she could find. Early the following Monday morning, she was back at Dr Fujita's door. He agreed to test her a third time for Marburg. This time a lab technician crosschecked the third sample, and then the first sample. The new results went to Fujita, who called Barnes: "You're now an honorary infectious disease doctor. You've self-diagnosed, and the Marburg test came back positive." The Marburg virus had reappeared in Uganda in 2007. It was a small outbreak, affecting four miners, one of whom died, working at a site called Kitaka Cave. But Joosten's death, and Barnes's diagnosis, implied a change in the potential scope of the situation. That local Ugandans were dying of Marburg was a severe concern - sufficient to bring a response team of scientists in haste. But if tourists, too, were involved, tripping in and out of some python-infested Marburg repository, unprotected, and then boarding their return flights to other continents, the place was not just a peril for Ugandan miners and their families. It was also an international threat. The first team of scientists had collected about 800 bats from Kitaka Cave for dissecting and sampling, and marked and released more than 1,000, using beaded collars coded with a number. That team, including scientist Brian Amman, had found live Marburg virus in five bats. Entering Python Cave after Joosten's death, another team of scientists, again including Amman, came across one of the beaded collars they had placed on captured bats three months earlier and 30 miles away. "It confirmed my suspicions that these bats are moving," Amman said - and moving not only through the forest but from one roosting site to another. Travel of individual bats between far-flung roosts implied circumstances whereby Marburg virus might ultimately be transmitted all across Africa, from one bat encampment to another. It voided the comforting assumption that this virus is strictly localised. And it highlighted the complementary question: why don't outbreaks of Marburg virus disease happen more often? Marburg is only one instance to which that question applies. Why not more Ebola? Why not more Sars? In the case of Sars, the scenario could have been very much worse. Apart from the 2003 outbreak and the aftershock cases in early 2004, it hasn't recurred. . . so far. Eight thousand cases are relatively few for such an explosive infection; 774 people died, not 7 million. Several factors contributed to limiting the scope and impact of the outbreak, of which humanity's good luck was only one. Another was the speed and excellence of the laboratory diagnostics - finding the virus and identifying it. Still another was the brisk efficiency with which cases were isolated, contacts were traced and quarantine measures were instituted, first in southern China, then in Hong Kong, Singapore, Hanoi and Toronto. If the virus had arrived in a different sort of big city - more loosely governed, full of poor people, lacking first-rate medical institutions - it might have burned through a much larger segment of humanity. One further factor, possibly the most crucial, was inherent in the way Sars affects the human body: symptoms tend to appear in a person before, rather than after, that person becomes highly infectious. That allowed many Sars cases to be recognised, hospitalised and placed in isolation before they hit their peak of infectivity. With influenza and many other diseases, the order is reversed. That probably helped account for the scale of worldwide misery and death during the 1918-1919 influenza. And that infamous global pandemic occurred in the era before globalisation. Everything nowadays moves around the planet faster, including viruses. When the Next Big One comes, it will likely conform to the same perverse pattern as the 1918 influenza: high infectivity preceding notable symptoms. That will help it move through cities and airports like an angel of death. The Next Big One is a subject that disease scientists around the world often address. The most recent big one is Aids, of which the eventual total bigness cannot even be predicted - about 30 million deaths, 34 million living people infected, and with no end in sight. Fortunately, not every virus goes airborne from one host to another. If HIV-1 could, you and I might already be dead. If the rabies virus could, it would be the most horrific pathogen on the planet. The influenzas are well adapted for airborne transmission, which is why a new strain can circle the world within days. The Sars virus travels this route, too, or anyway by the respiratory droplets of sneezes and coughs - hanging in the air of a hotel corridor, moving through the cabin of an aeroplane - and that capacity, combined with its case fatality rate of almost 10%, is what made it so scary in 2003 to the people who understood it best. Human-to-human transmission is the crux. That capacity is what separates a bizarre, awful, localised, intermittent and mysterious disease (such as Ebola) from a global pandemic. Have you noticed the persistent, low-level buzz about avian influenza, the strain known as H5N1, among disease experts over the past 15 years? That's because avian flu worries them deeply, though it hasn't caused many human fatalities. Swine flu comes and goes periodically in the human population (as it came and went during 2009), sometimes causing a bad pandemic and sometimes (as in 2009) not so bad as expected; but avian flu resides in a different category of menacing possibility. It worries the flu scientists because they know that H5N1 influenza is extremely virulent in people, with a high lethality. As yet, there have been a relatively low number of cases, and it is poorly transmissible, so far, from human to human. It'll kill you if you catch it, very likely, but you're unlikely to catch it except by butchering an infected chicken. But if H5N1 mutates or reassembles itself in just the right way, if it adapts for human-to-human transmission, it could become the biggest and fastest killer disease since 1918. It got to Egypt in 2006 and has been especially problematic for that country. As of August 2011, there were 151 confirmed cases, of which 52 were fatal. That represents more than a quarter of all the world's known human cases of bird flu since H5N1 emerged in 1997. But here's a critical fact: those unfortunate Egyptian patients all seem to have acquired the virus directly from birds. This indicates that the virus hasn't yet found an efficient way to pass from one person to another. Two aspects of the situation are dangerous, according to biologist Robert Webster. The first is that Egypt, given its recent political upheavals, may be unable to staunch an outbreak of transmissible avian flu, if one occurs. His second concern is shared by influenza researchers and public health officials around the globe: with all that mutating, with all that contact between people and their infected birds, the virus could hit upon a genetic configuration making it highly transmissible among people. "As long as H5N1 is out there in the world," Webster told me, "there is the possibility of disaster. . . There is the theoretical possibility that it can acquire the ability to transmit human-to-human." He paused. "And then God help us." We're unique in the history of mammals. No other primate has ever weighed upon the planet to anything like the degree we do. In ecological terms, we are almost paradoxical: large-bodied and long-lived but grotesquely abundant. We are an outbreak. And here's the thing about outbreaks: they end. In some cases they end after many years, in others they end rather soon. In some cases they end gradually, in others they end with a crash. In certain cases, they end and recur and end again. Populations of tent caterpillars, for example, seem to rise steeply and fall sharply on a cycle of anywhere from five to 11 years. The crash endings are dramatic, and for a long while they seemed mysterious. What could account for such sudden and recurrent collapses? One possible factor is infectious disease, and viruses in particular.

#### Current bioterror defense programs fail- can’t check new strains

Gottlieb ‘13

(Scott Gottlieb Policy and government regulation analysis, “Ricin And The Risk Of Bioterror: Are We Prepared?” 4/17/2013 7:59AM <http://www.forbes.com/sites/scottgottlieb/2013/04/17/ricin-domestic-bioterrorism-and-the-lessons-learned-after-9-11-are-we-safer-today-than-we-were-ten-years-ago/print/>, TSW)

The ghastly bombings in Boston followed by envelopes laced with the lethal poison ricin that were sent to the U.S Capitol and the White House, renew fears about our vulnerability to these kinds of terrorist acts. It invites unwelcome memories of 9-11.¶ Speculation is widespread about the potential origins of these attacks, and whether they could be related (seems unlikely). Investigations are underway and a suspect in the ricin attacks is now in custody. In time, we also must ask how much safer we’ve made ourselves based on the lessons we learned after 9-11. And whether there are still precautions we should heed.¶ When it comes to bioterrorism, it’s a mixed bag. Programs enacted after 9-11 helped shore up our defenses. But in their current form, they’re not as well equipped to promote development of the kinds of technologies that we need to thwart modern day threats. These threats may not come from established agents of bioterror, but new strains of bugs engineered for deadly purposes.¶ Programs were started after 9-11 to underwrite the federal development of medical countermeasures. The centerpiece of the effort was Project Bioshield.¶ Congress passed the Bioshield Act in 2004. Its aim was to fund the purchase of vaccines and treatments aimed at thwarting bioterrorism. A key element of the Act was to allow stockpiling of countermeasures. Some of these agents would be approved for government purchase based on testing in animals alone. It’s not feasible to infect people with deadly bugs like smallpox just to enable human testing.¶ Since the 2001 anthrax attacks, the feds have allocated nearly $50 billion to address the threat of biological weapons. A lot of the funding also goes to Biomedical Advanced Research and Development Authority (BARDA), established in 2006 to help companies through the mid (and high risk) stages of drug development.¶ BARDA is part of the Department of Health and Human Services. It provides funding through contracts to mostly mid and later-stage efforts to develop new types of countermeasures. But the government’s foray into this sort of venture investing has been bumpy.¶ The Bioshield and BARDA funding has proven useful for scaling up the manufacture of vaccines and other countermeasures that were already in advanced stages of development, but needed additional money to make their manufacture economically feasible or possible in the first place. But these programs have been less successful at financing early stage ventures aimed at developing completely novel agents. It hasn’t really been their mission.¶ For one thing, taking on the kind of risk inherent in the early stages of drug development is not an exercise well suited to government work, where political pressures often cause an aversion to risk taking.¶ Some government programs, like the Defense Advanced Research Projects Agency (DARPA) have success at financing innovative, early ventures. But they tolerate a lot of failures along the way. Over the past decade, BARDA and Bioshield have not been so lucky. The intense political scrutiny that these efforts have undergone (often stoked by companies that lose out on contracts and complain to Congress) has made the government executives managing the programs understandably skittish. This has rendered the entire process adverse to the kind of risk taking that’s required for successful drug discovery.

## Russia

#### Relations are impossible, but will never collapse

Migranyan, director – Institute for Democracy and Cooperation, professor – Institute of International Relations, Moscow, 1/30/’13

(Andranik, “Russia and Obama's Second Term,” The National Interest)

I shall begin with what I consider the most interesting viewpoint professed for many years by one of the best experts on Russian relations, Tom Graham. Back in December, he and Dmitri Trenin, director of the Carnegie Moscow Center, published an article in The International Herald-Tribune exploring the **multiple problems bedeviling the U.S.-Russian relationship**, such as the U.S. Congress’s Magnitsky Act, the Russian decision to cease cooperation on the Nunn-Lugar Cooperative Threat Reduction Program, and the Russian ban on adoptions by American citizens. The authors argued that these problems stemmed from a lack of strategic dialogue and the two countries’ **inadequate understanding** of each other’s strategic interests. Placing such problems in a strategic context would improve Russian-American relations, they argued, citing as areas for potential strategic dialogue such strategic topics as China, cooperation on Arctic development and the fight against Islamist terrorism.

First, the problem here is that **it is unrealistic to expect large**, sovereign **countries to share strategic interests** with other countries that aren’t focused on a troublesome third country. Over the past fifty years, the sole example that comes to mind of a successful strategic dialogue is the American strategic outreach to China during the Nixon administration. It was initiated by Henry Kissinger, whose firm employs Tom Graham. The success of this dialogue can be explained by the perception in both the United States and China that the Soviet Union represented a threat to the existence of both; hence, their readiness to join forces against a common enemy.

Second, two countries can have convergent vital interests only if both are roughly equal in resources and power. Otherwise, the weaker one experiences a loss of sovereignty as a result of its smaller economic and military-political potential, and that negates the strategic character of the relationship.

Consider the widespread perception in the 1990s and at the beginning of the twenty-first century that Russia and the United States could forge a strategic relationship. It never happened because the United States felt it was so strong and self-sufficient that strategic cooperation came down to the American expectation that Russia should bend its own vital interests and submit to American foreign policy. Only then could peaceful, constructive and effective cooperation ensue. Graham and Trenin discuss, for example, current U.S. and Russian strategic interests with regard to China. But isn’t there a greater convergence in Russian and Chinese interests on the matter of containing Washington’s arrogant and unilateral foreign policy that attempts to dominate the world?

Regarding the development of Arctic resources, the United States’ refusal to sign the Convention on the Law of the Sea betrays a U.S. lack of interest in dividing Arctic resources in a way that coincides with international law. Rather, Washington wants to keep its hands untied for any action in the Arctic.

Strategic dialogue necessitates a certain level of trust between parties. But the talks between the two countries on the antimissile shield that the U.S. wishes to install in Europe testify to the **lack of such trust.** Americans insist that the shield is designed to parry hypothetical Iranian missiles; but a succession of U.S. presidents and other high-level officials also insist that the idea of a nuclear Iran is unacceptable. They declare that, should Iran continue to advance down the road to a nuclear weapon, the United States or Israel would destroy the program’s infrastructure.

With the emergence of a multipolar world, the need arises for power balances in various regions. Thus do we see countries attempting to protect their national interests by forming ad hoc coalitions instead of full-time alliances, whose time has passed, in the view of many analysts. This is why **strategic dialogue**, while perhaps notionally desirable, **is not really feasible** because it is difficult to determine which questions are tactical and which are strategic. For Moscow, a matter of strategic discussion with the United States is U.S. interference in Russia’s internal affairs. Another is America’s interference in countries in the post-Soviet sphere. But it is difficult to imagine any U.S. administration engaging in serious discussions on such matters without being attacked domestically for betraying U.S. national and geopolitical interests. It is obvious that **there cannot be entirely cooperative or entirely competitive relations** between two large countries with intersecting and conflicting interests.

Such a black-and-white approach can only exist between states engaged in total and open confrontation—as the Soviet Union and the West were during the Cold War—or in cases of a weaker country forced to yield its interests to the will of a stronger partner because of an economic or military-political dependency. This is the defining characteristic of the relations within NATO, whose European members depend for military protection largely on the United States. And yet within this framework there are conflicts even absent a confrontation with a third power (as with the USSR). Consider, for example, the clashes that arose with George W. Bush’s Iraq war, when Germany and France went against the wishes of the United States.

Thus, it seems inescapable that the United States and Russia will **sometimes partner** but also **sometimes have conflicting interests.**

#### Russian hostility is psychologically ingrained- cooperation impossible

Lieven ‘11

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How Russia will fit into a world shaped by the rise of China and some degree of U.S.-Chinese rivalry is not at all clear. What is clear is that Russia does not wish for an alliance with either country even if one were on offer. On the one hand, hostility to the U.S. has become deeply ingrained in the Russian mass psyche, and has also to a considerable extent been encouraged by the ruling system that has taken shape in Russia since Vladimir Putin's accession to power in 1999. Much of U.S. policy from the mid-1990s to the Obama presidency was seen in Russia as deeply hostile to Russian interests – and not always wrongly.8

#### Russia’s leadership precludes any relations or cooperation impacts

Kramer 10

[David J. Kramer took the oath of office as Assistant Secretary of State for Democracy, Human Rights and Labor on March 21, 2008. From July 2005 to March of 2008, Mr. Kramer was Deputy Assistant Secretary of State for European and Eurasian Affairs, responsible for Russia, Ukraine, Moldova, and Belarus affairs, as well as regional nonproliferation issues. Previously, he served in the Department of State Office of Policy Planning as a Professional Staff Member, and before that, was Senior Advisor to the Under Secretary of State for Global Affairs. He also was Executive Director of the U.S. Advisory Commission on Public Diplomacy in Washington. “Resetting US-Russian Relations: It Takes Two” The Washington Quarterly. ET]

The problems Biden identified, in fact, make Russia’s leaders less, not more, likely to work with the United States on a whole host of issues. They are apt to deflect their population’s attention from the growing number of difficulties at home by shifting attention onto others, such as neighboring Georgia or Ukraine, or to clamp down even more against the slightest possible threats to their control inside Russia. That kind of Russia will be extremely difficult for the Obama administration to work with on issues such as Iran, missile defense, and the states along Russia’s borders. That kind of Russia will have fewer interests in common with the United States and expose a widening values gap between the two countries. Since Obama’s trip to Moscow, provocative visits to Abkhazia and South Ossetia by Medvedev and Putin respectively, Medvedev’s renewed threats to target Iskander missiles against the Czech Republic and Poland if U.S. missile defense plans move forward in those two countries, and the murders of human rights activists and charity heads in Chechnya have cast a shadow over the relationship. At the end of the day, Russia’s current leadership corrupt, revisionist, and insecure as it is will likely decide that perpetuating the image of the United States as a threat is more important to maintaining the Kremlin’s grip on power than a new, more positive chapter in U.S.—Russia relations.

## Solvency

#### Obama won’t circumvent---empirics prove

Michael A. **Cohen 12**, is a fellow at the Century Foundation, “The Imperial Presidency: Drone Power and Congressional Oversight,” July 24, <http://www.worldpoliticsreview.com/articles/12194/the-imperial-presidency-drone-power-and-congressional-oversight>

Ironically, however, the administration stands on firmer legal ground here than it did on Libya. It has used the Authorization of Military Force (AUMF) granted in 2001 by Congress to justify nearly every aspect of these operations, including targeted killing campaigns carried out by both the military and the CIA, and the continued detention of prisoners in Guantanamo Bay and Afghanistan. As Yale Law School professor Bruce Ackerman told me, “The AUMF was a response to a real problem, namely the attacks of Sept. 11. It is now being transformed into a tool for fighting a 100-year war against terrorists.”¶ ¶ In a sense we are witnessing a perfect storm of executive branch power-grabbing: a broad authorization of military force giving the president wide-ranging discretion to act, combined with a set of tools -- drones, special forces and cyber technology -- that allows him to do so in unprecedented ways. And since few troops are put in harm’s way, there is barely any public scrutiny.¶ ¶ Congress has the ability to stop these excesses. On Libya, it possessed the power to turn off the financial spigot and cut off funding, and indeed, there was a tepid effort in the House of Representatives to do so. On the AUMF, Congress could simply repeal it or more realistically modify it to take into account the new battlefields in the war on terror. Finally, it could conduct greater oversight, in particular public hearings, of how the executive branch is utilizing military force. But not only has Congress not taken these steps, in deliberations over the National Defense Authorization Act earlier this year, it tried to expand the AUMF. On the use of drones and targeted killings, Congress has made little effort to demand greater information from the White House and has not held any public hearings on either of these issues. As Micah Zenko recently noted, claims “that congressional oversight of targeted killings exclusively by the intelligence committees in closed sessions is adequate” are “indefensible.”¶ The reasons for congressional abdication are legion. Partisanship plays an important role. For example, from 2001 to 2006, Republicans largely abstained from overseeing a Republican White House’s wars in Iraq and Afghanistan.¶ Since a Democrat became president, however, congressional oversight and scrutiny of the administration in terms of foreign policy has remained underwhelming, if not nearly as bad. Meanwhile, **the White House has treated Congress dismissively** and even with contempt. **Historically, strong institutional prerogatives have been a check on such parochialism**

-- think William Fulbright and the Senate Foreign Relations Committee’s apostasy on Vietnam or even the bipartisan Iran-Contra hearings in the 1980s. Today, however, few in Congress have shown much interest in upholding even its most basic foreign policy responsibilities. Quite simply, there are no Frank Churches or even Russ Feingolds in Congress anymore. ¶ ¶ But there are also serious institutional obstacles to enhanced congressional scrutiny. Writing in the Harvard National Security Journal (.pdf), Andru Wall argues that much of the problem with congressional oversight can be traced to an antiquated understanding of how national security operations are actually carried out. At a time of greater interagency cooperation and coordination between the military and intelligence agencies, Congress still sees these functions as somehow discrete.¶ As Greg Miller noted in the Washington Post in December, “Within 24 hours of every CIA drone strike, a classified fax machine lights up in the secure spaces of the Senate Intelligence Committee, spitting out a report on the location, target and result. The outdated procedure reflects the agency’s effort to comply with Title 50 requirements that Congress be provided with timely, written notification of covert action overseas. There is no comparable requirement in Title 10, and the Senate Armed Services Committee can go days before learning the details of JSOC strikes. Neither panel is in a position to compare the CIA and JSOC kill lists or even arrive at a comprehensive understanding of the rules by which each is assembled.”¶ In addition, oversight responsibilities are often bifurcated by separate authorization and appropriation processes. The 9/11 Commission recommended ending this dysfunctional arrangement among intelligence committees and creating a single joint intelligence committee with both authorizing and appropriating responsibilities. Nearly 10 years later, it still hasn’t happened.¶ ¶ If history is any guide, **so long as Congress fails to hold the president’s feet to the fire, the executive branch will take on more responsibilities** that are outside the purview of Congress’ prying eyes. Ackerman called such “legislative irresponsibility and executive unilateralism” a self-perpetuating phenomenon that is a “recurrent dynamic in presidential systems.” With the lack of any strong institutional pride in Congress, an executive branch that for obvious reasons prefers less oversight and the advent of new tools for fighting America’s wars, this situation is likely to get worse before it gets better, if it ever does.

## DA

#### Russia has abandoned aggression in favor of cooperation

Sawczak 11

[Dr. Peter Sawczak, Adjunct Research Fellow at Monash University, “Obama’s Russia Policy: The Wages and Pitfalls of the Reset,” peer reviewed paper presented at the 10th Biennial Conference of the Australasian Association for Communist and Post-Communist Studies, Feb 3-4 2011, <http://cais.anu.edu.au/sites/default/files/Sawczak_Obama.pdf>]

As a measure of their optimism, US officials like to point – cautiously – to a discernible shift in Russian foreign policy towards a more pragmatic, cooperative approach. Whether or not the Obama administration can claim credit for this, the United States has at least shown Russia the dividends which could flow from enhanced cooperation. This is most palpably reflected in the Russian foreign policy paper leaked in May 2010, which identifies a “need to strengthen relations of mutual interdependence with the leading world powers, such as the European Union and the US,” 5 as well as, more indirectly, in Medvedev’s modernisation agenda. The fact that Russia has sought, in the tragic circumstances attending commemoration ceremonies at Katyn, rapprochement with Poland and moved to demarcate its border with Norway, in addition to partnering with the US on arms control, Iran and Afghanistan, suggests to US policy-makers that a rethink, however tenuous, is underway. Noteworthy also is the fact that Russia, gladdened by the emergence of more compliant leaders in Ukraine and Kyrgyzstan, has been remarkably restrained of late in its dealings closer to home, not having waged any major gas wars, threatened leaders, or incited civil war.

#### No risk of Russian resurgence - their impacts are a paranoid fantasy

Bandow 08

(Doug, former senior fellow at the Cato Institute and former columnist with Copley News Service, 3/7. “Turning China into the Next Big Enemy.” http://www.antiwar.com/bandow/?articleid=12472)

In fact, America remains a military colossus. The Bush administration has proposed spending $515 billion next year on the military; more, adjusted for inflation, than at any time since World War II. The U.S. accounts for roughly half of the world's military outlays. Washington is allied with every major industrialized state except China and Russia. America's avowed enemies are a pitiful few: Burma, Cuba, Syria, Venezuela, Iran, North Korea. The U.S. government could destroy every one of these states with a flick of the president's wrist. Russia has become rather contentious of late, but that hardly makes it an enemy. Moreover, the idea that Moscow could rearm, reconquer the nations that once were part of the Soviet Union or communist satellites, overrun Western Europe, and then attack the U.S. – without anyone in America noticing the threat along the way – is, well, a paranoid fantasy more extreme than the usual science fiction plot. The Leninist Humpty-Dumpty has fallen off the wall and even a bunch of former KGB agents aren't going to be able to put him back together.