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## Politics

#### A deal to stall Iran’s nuclear program is coming – Obama will hold off Senate sanctions now – key to prevent Iran proliferation.

Landler and Sanger 11/14 [Mark and David, New York Times, Obama Calls for Patience in Iran Talks, 11/14/13, http://www.nytimes.com/2013/11/15/us/politics/obama-iran.html?\_r=0]

President Obama made a vigorous appeal to Congress on Thursday to give breathing space to his efforts to forge a nuclear deal with Iran, and the prospects for an interim agreement may have improved with the release of a report by international inspectors who said that for the first time in years, they saw evidence that the Iranians have put the brakes on their nuclear expansion. Multimedia Graphic Background: Iran’s Nuclear Program and Possible Steps to a Broad Agreement MULTIMEDIA FEATURE: Timeline on Iran’s Nuclear Program Related Iran and Western Powers Clash Over Why Nuclear Talks Failed (November 14, 2013) The inspectors, from the International Atomic Energy Agency, said that very few new advanced centrifuges had been installed since President Hassan Rouhani of Iran took office in June, promising a new start with the West, and that little significant progress has been made on the construction of a new nuclear reactor, which became a point of contention in negotiations in Geneva last week. The slowdown, according to diplomats familiar with the Iranian work, was clearly political, not driven by technical problems. But it was also easily reversible, suggesting that Iran was waiting to see what kind of relief from sanctions it could obtain from the West in the negotiations. The report was immediately seized on by advocates and critics of an agreement that was almost signed in Geneva. Administration officials said Iran’s restraint was the latest in a series of signals by Mr. Rouhani that he was an agent of change, and that it was an answer to skeptics who have said the Iranian leader was all talk and no action. But critics in Congress and overseas dismissed the report, saying that Iran had not removed any centrifuges and continued to enrich uranium at a steady rate. Prime Minister Benjamin Netanyahu of Israel, one of the most vocal critics of a deal, said the only reason Iran had not expanded its enrichment capability was that “they don’t need to.” For Mr. Obama, who has been fending off accusations that the American negotiators were giving away too much to Iran in return for concessions that critics said would scarcely slow its march to nuclear capability, the findings could fortify his argument that the Senate should hold off on new sanctions to avoid derailing the talks. “Let’s test how willing they are to actually resolve this diplomatically and peacefully,” Mr. Obama said at a White House news conference. “We will have lost nothing if at the end of the day it turns out that they are not prepared to provide the international community the hard proof and assurances necessary for us to know that they’re not pursuing a nuclear weapon.” The confidential report was released to the nuclear agency’s member states just minutes before Mr. Obama spoke, and he did not mention the findings. But the president made a strong case for diplomacy, trying to quell an effort in Congress to ramp up sanctions against Iran rather than modestly ease them, in return for a six-month halt in the progress of the nuclear program. Negotiators plan to meet again next week in Geneva, after failing to reach an interim deal because of what Secretary of State John Kerry has described as a difference in only four or five phrases. The prospect that a deal could be reached soon has provoked a storm of protest from Israel and criticism from Republicans and some Democrats. The I.A.E.A. report does not show anything close to an across-the-board freeze or rollback in Iran’s program. Iran continues to produce low-enriched uranium around the pace it has in the past. But inspectors, who completed their last visit to Iran just days ago, said that no more new, highly efficient centrifuges that the country has invested heavily in building were installed at its two main nuclear sites. Those centrifuges, called the IR-2, were particularly worrisome because they would shorten Iran’s “breakout time” to build a weapon, if they were operating. The report said that Iran, at its Fordo plant near the city of Qum, had not put more of its existing 2,710 centrifuges into operation. Only 696 of the installed machines, all of the older IR-1 model, are actually enriching uranium — well below the plant’s capacity. Iran’s stockpile of its most worrisome category of uranium — enriched to nearly 20 percent, close to bomb grade — increased only modestly. Since the last quarterly accounting, Iran has added roughly 10 kilograms, or about 22 pounds, of uranium enriched to 20 percent purity to its stockpile, bringing its total of the medium-enriched material to roughly 196 kilograms, or about 432 pounds. Iran is turning most of that uranium into fuel for reactors, which diminishes its threat as a bomb fuel. Multimedia Iran and Western Powers Clash Over Why Nuclear Talks Failed (November 14, 2013) The report also found that Iran had performed only minor work on the heavy-water reactor at Arak, a facility that has raised alarm because it could eventually produce plutonium, giving Iran a second source of bomb fuel. Nader Karimi Joni, a political analyst close to the Rouhani administration, said, “It is fair to say that Iran is showing good will, just like the European Union and the United States have done.”

#### Obama would fight restrictions on his authority --- fiat means he loses

Scheuerman 13 (William, Professor of Political Science at Indiana University, PhD from Harvard, Barack Obama's "war on terror", Eurozine, 3/7, http://www.eurozine.com/pdf/2013-03-07-scheuerman-en.pdf)

Given dual democratic legitimacy, holders of executive power face deeply rooted institutional incentives to retain whatever power or authority has landed¶ in their laps. Fundamentally, their political fate is separate from that of the¶ legislature's. They have to prove −− on their own −− that they deserve the trust placed in them by the electorate. Unlike prime ministers in parliamentary¶ regimes, they also face strict term limits. As astute observers have noted, this¶ provides political life in presidential regimes with a particular sense of urgency¶ since the executive will only have a short span of time in which to advance his¶ or her program. Presidentialism's strict separation of powers means that the¶ executive will soon likely face potentially hostile opponents who have gained a¶ foothold in the legislature. In the US, for example, even presidents recently¶ elected with large majorities immediately need to worry about looming¶ midterm congressional elections. To be sure, even prime ministers in¶ parliamentary systems will want to get things done. But incentives to do so in a¶ high−speed fashion remain more deeply ingrained in presidential systems.¶ These familiar facts about presidentialism allow us to help make sense of¶ Obama's disappointing record. Without doubt, Obama has been personally as¶ well as ideologically committed to reining in Bush−era executive prerogative.¶ Yet he now occupies an institutional position which necessarily makes him averse to far−reaching attempts to limit his own room for effective political¶ and administrative action, especially when the stakes are high, as is manifestly¶ the case in counterterrorism. Understandably, he needs to worry that the¶ electorate will punish him −− and not the Congress or Supreme Court −− for¶ mistakes which might result in deadly terrorist attacks on US citizens. Given the institutional dynamics of a presidential system characterized by more−or−less permanent rivalry, it is hardly surprising that he has held onto so much of the prerogative power successfully claimed for the executive branch¶ by his right−wing predecessor. As Obama's own political advisors have been¶ vocally telling him since 2009, it might indeed prove politically perilous if he¶ were to go too far in abandoning the substantial discretionary powers he enjoys¶ in the war on terror. Unfortunately, their "sound" political advice −− which¶ indeed may have helped Obama get reelected −− simultaneously has had¶ deeply troublesome humanitarian and legal consequences.

#### Capital key – prevents confrontation.

Cockburn 11/11 [Patrick, Independent.co.uk, November 11, 2013 Monday 10:14 AM GMT, Iranian concessions on nuclear issues are not going to lead to an agreement; L/N]

On the other hand, the decision by President Obama not to launch airstrikes against Syria, Iran's crucial Arab ally, after the use of chemical weapons on 21 August, has to a degree demilitarised the political atmosphere. This could go into reverse if Congress adds even tougher sanctions and threats of military action by Israel resume. Much will depend on **how much political capital** President Obama is willing spend to prevent prospects for a deal being extinguished by those who believe that confrontation with Iran works better than diplomacy.

#### Deal prevents war and Iran prolif.

Shank and Gould 9/12 [Michael Shank, Ph.D., is director of foreign policy at the Friends Committee on National Legislation. Kate Gould is legislative associate for Middle East policy at FCNL, No Iran deal, but significant progress in Geneva, 9/12/13, http://communities.washingtontimes.com/neighborhood/cause-conflict-conclusion/2013/nov/12/no-iran-deal-significant-progress-geneva/]

Congress should welcome, not stubbornly dismiss, diplomatic efforts to finalize the interim accord and support the continued conversation to reach a more comprehensive agreement. The sanctions that hawks on the Hill are pushing derail such efforts and increase the prospects of war. There is, thankfully, a growing bipartisan contingent of Congress who recognizes that more sanctions could undercut the delicate diplomatic efforts underway. Senator Carl Levin, D-Mich., chair of the Senate Armed Services Committee, cautioned early on that, “We should not at this time impose additional sanctions.” Senator Tim Johnson, D-S.D., chair of the Banking Committee, is still weighing whether to press forward with new sanctions in his committee. Separately, as early as next week, the Senate could vote on Iran sanctions amendments during the chamber’s debate on the must-pass annual defense authorization bill. This caution against new sanctions, coming from these more sober quarters of the Senate, echoes the warnings from a wide spectrum of former U.S. military officials against new sanctions. There is broad recognition by U.S. and Israeli security officials that the military option is not the preferred option; a diplomatic one is. This widespread support for a negotiated solution was highlighted last week when 79 national security heavyweights signed on to a resounding endorsement of the Obama Administration’s latest diplomatic efforts. Any member of Congress rejecting a diplomatic solution moves the United States toward another war in the Middle East. Saying no to this deal-in-the-works, furthermore, brings the world no closer toward the goal of Iran giving up its entire nuclear program. Rather, it would likely result in an unchecked Iranian enrichment program, while the United States and Iran would teeter perilously close on the brink of war. A deal to prevent war and a nuclear-armed Iran is within reach and it would be dangerous to let it slip away. Congress can do the right thing here, for America’s security and Middle East’s stability, and take the higher diplomatic road. Pandering to harsh rhetoric and campaign contributors is no way to sustain a foreign policy agenda. It will only make America and her assets abroad less secure, not more. The time is now to curb Iran’s enrichment program as well as Congress’s obstructionism to a peaceful path forward.

#### Nuclear Iran Escalates to full scale war and causes extinction

WIMBUSH ‘7 - Hudson Institute Senior Fellow, Center for Future Security Strategies Director (S. Enders, “The End of Deterrence: A nuclear Iran will change everything.” The Weekley Standard. 1/11/2007, http://www.weeklystandard.com/Utilities/printer\_preview.asp?idArticle=13154&R=162562FD5A)

Iran is fast building its position as the Middle East's political and military hegemon, a position that will be largely unchallengeable once it acquires nuclear weapons. A nuclear Iran will change all of the critical strategic dynamics of this volatile region in ways that threaten the interests of virtually everyone else. The outlines of some of these negative trends are already visible, as other actors adjust their strategies to accommodate what increasingly appears to be the emerging reality of an unpredictable, unstable nuclear power. Iran needn't test a device to shift these dangerous dynamics into high gear; that is already happening. By the time Iran tests, the landscape will have changed dramatically because everyone will have seen it coming. The opportunities nuclear weapons will afford Iran far exceed the prospect of using them to win a military conflict. Nuclear weapons will empower strategies of coercion, intimidation, and denial that go far beyond purely military considerations. Acquiring the bomb as an icon of state power will enhance the legitimacy of Iran's mullahs and make it harder for disgruntled Iranians to oust them. With nuclear weapons, Iran will have gained the ability to deter any direct American threats, as well as the leverage to keep the United States at a distance and to discourage it from helping Iran's regional opponents. Would the United States be in Iraq if Saddam had had a few nuclear weapons and the ability to deliver them on target to much of Europe and all of Israel? Would it even have gone to war in 1991 to liberate Kuwait from Iraqi aggression? Unlikely. Yet Iran is rapidly acquiring just such a capability. If it succeeds, a relatively small nuclear outcast will be able to deter a mature nuclear power. Iran will become a billboard advertising nuclear weapons as the logical asymmetric weapon of choice for nations that wish to confront the United States. It should surprise no one that quiet discussions have already begun in Saudi Arabia, Egypt, Turkey, and elsewhere in the Middle East about the desirability of developing national nuclear capabilities to blunt Iran's anticipated advantage and to offset the perceived decline in America's protective power. This is just the beginning. We should anticipate that proliferation across Eurasia will be broad and swift, creating nightmarish challenges. The diffusion of nuclear know-how is on the verge of becoming impossible to impede. Advanced computation and simulation techniques will eventually make testing unnecessary for some actors, thereby expanding the possibilities for unwelcome surprises and rapid shifts in the security environment. Leakage of nuclear knowledge and technologies from weak states will become commonplace, and new covert supply networks will emerge to fill the gap left by the neutralization of Pakistani proliferator A. Q. Khan. Non-proliferation treaties, never effective in blocking the ambitions of rogues like Iran and North Korea, will be meaningless. Intentional proliferation to state and non-state actors is virtually certain, as newly capable states seek to empower their friends and sympathizers. Iran, with its well known support of Hezbollah, is a particularly good candidate to proliferate nuclear capabilities beyond the control of any state as a way to extend the coercive reach of its own nuclear politics. Arsenals will be small, which sounds reassuring, but in fact it heightens the dangers and risk. New players with just a few weapons, including Iran, will be especially dangerous. Cold War deterrence was based on the belief that an initial strike by an attacker could not destroy all an opponent's nuclear weapons, leaving the adversary with the capacity to strike back in a devastating retaliatory blow. Because it is likely to appear easier to destroy them in a single blow, small arsenals will increase the incentive to strike first in a crisis. Small, emerging nuclear forces could also raise the risk of preventive war, as leaders are tempted to attack before enemy arsenals grow bigger and more secure. Some of the new nuclear actors are less interested in deterrence than in using nuclear weapons to annihilate their enemies. Iran's leadership has spoken of its willingness--in their words--to "martyr" the entire Iranian nation, and it has even expressed the desirability of doing so as a way to accelerate an inevitable, apocalyptic collision between Islam and the West that will result in Islam's final worldwide triumph. Wiping Israel off the map--one of Iran's frequently expressed strategic objectives--even if it results in an Israeli nuclear strike on Iran, may be viewed as an acceptable trade-off. Ideological actors of this kind may be very different from today's nuclear powers who employ nuclear weapons as a deterrent to annihilation. Indeed, some of the new actors may seek to annihilate others and be annihilated, gloriously, in return. What constitutes deterrence in this world? Proponents of new non-proliferation treaties and many European strategists speak of "managing" a nuclear Iran, as if Iran and the new nuclear actors that will emerge in Iran's wake can be easily deterred by getting them to sign documents and by talking nicely to them. This is a lethal naiveté. We have no idea how to deter ideological actors who may even welcome their own annihilation. We do not know what they hold dear enough to be deterred by the threat of its destruction. Our own nuclear arsenal is robust, but it may have no deterrent effect on a nuclear-armed ideological adversary. This is the world Iran is dragging us into. Can they be talked out of it? Maybe. But it is getting very late to slow or reverse the momentum propelling us into this nuclear no-man's land. We should be under no illusion that talk alone--"engagement"--is a solution. Nuclear Iran will prompt the emergence of a world in which nuclear deterrence may evaporate, the likelihood of nuclear use will grow, and where deterrence, once broken, cannot be restored.

## Terrorism DA

#### Exec flexibility on detention powers now

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President Obama signed the NDAA "despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists." n114 While the Administration voiced concerns throughout the legislative process, those concerns were addressed and ultimately resulted in a bill that preserves the flexibility needed to adapt to changing circumstances and upholds America's values. The President reiterated his support for language in Section 1021 making clear that the new legislation does not limit or expand the scope of Presidential authority under the AUMF or affect existing authorities "relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." n115¶ The President underscored his Administration "will not authorize the indefinite military detention without trial of American citizens" and will ensure any authorized detention "complies with the Constitution, the laws of war, and all other applicable law." n116 Yet understanding fully the Administration's position requires recourse to its prior insistence that the Senate Armed Services Committee remove language in the original bill which provided that U.S. citizens and lawful resident aliens captured in the United States would not be subject to Section 1021. n117 There appears to be a balancing process at work here. On the one hand, the Administration is in lock-step with Congress that the NDAA should neither expand nor diminish the President's detention authority. On the other hand, policy considerations led the President to express an intention to narrowly exercise this detention authority over American citizens.¶ The overriding point is that the legislation preserves the full breadth and depth of detention authority existent in the AUMF, to include the detention of American citizens who join forces with Al Qaida. This is a dynamic and changing conflict. If a home-grown terrorist destroys a U.S. target, the FBI gathers the evidence, and a U.S. Attorney prosecutes, traditional civilian criminal laws govern, and the military detention authority resident in the NDAA need never come into play. This is a reasonable and expected outcome in many cases. The pending strike on rail targets posited in this paper's introduction, where intelligence sources reveal an inchoate attack involving American and foreign nationals operating overseas and at home, however, may be precisely the type of scenario where military detention is not only preferred but vital to thwarting the attack, conducting interrogations about known and hidden dangers, and preventing terrorists from continuing the fight.

#### Reforms result in catastrophic terrorism---releases them and kills intel gathering

Jack Goldsmith 09, Henry L. Shattuck Professor at Harvard Law School, 2/4/09, “Long-Term Terrorist Detention and Our National Security Court,” http://www.brookings.edu/~/media/research/files/papers/2009/2/09%20detention%20goldsmith/0209\_detention\_goldsmith.pdf

These three concerns challenge the detention paradigm. They do nothing to eliminate the need for detention to prevent detainees returning to the battlefield. But many believe that we can meet this need by giving trials to everyone we want to detain and then incarcerating them under a theory of conviction rather than of military detention. I disagree. For many reasons, it is too risky for the U.S. government to deny itself the traditional military detention power altogether, and to commit itself instead to try or release every suspected terrorist. ¶ For one thing, military detention will be necessary in Iraq and Afghanistan for the foreseeable future. For another, we likely cannot secure convictions of all of the dangerous terrorists at Guantánamo, much less all future dangerous terrorists, who legitimately qualify for non-criminal military detention. The evidentiary and procedural standards of trials, civilian and military alike, are much higher than the analogous standards for detention. With some terrorists too menacing to set free, the standards will prove difficult to satisfy. Key evidence in a given case may come from overseas and verifying it, understanding its provenance, or establishing its chain of custody in the manners required by criminal trials may be difficult. This problem is exacerbated when evidence was gathered on a battlefield or during an armed skirmish. The problem only grows when the evidence is old. And perhaps most importantly, the use of such evidence in a criminal process may compromise intelligence sources and methods, requiring the disclosure of the identities of confidential sources or the nature of intelligence-gathering techniques, such as a sophisticated electronic interception capability. ¶ Opponents of non-criminal detention observe that despite these considerations, the government has successfully prosecuted some Al Qaeda terrorists—in particular, Zacharias Moussaoui and Jose Padilla. This is true, but it does not follow that prosecutions are achievable in every case in which disabling a terrorist suspect represents a surpassing government interest. Moreover, the Moussaoui and Padilla prosecutions highlight an under-appreciated cost of trials, at least in civilian courts. The Moussaoui and Padilla trials were messy affairs that stretched, and some observers believe broke, our ordinary criminal trial conceptions of conspiracy law and the rights of the accused, among other things. The Moussaoui trial, for example, watered down the important constitutional right of the defendant to confront witnesses against him in court, and the Padilla trial rested on an unprecedentedly broad conception of conspiracy.15 An important but under-appreciated cost of using trials in all cases is that these prosecutions will invariably bend the law in ways unfavorable to civil liberties and due process, and these changes, in turn, will invariably spill over into non-terrorist prosecutions and thus skew the larger criminal justice process.16¶ A final problem with using any trial system, civilian or military, as the sole lawful basis for terrorist detention is that the trials can result in short sentences (as the first military commission trial did) or even acquittal of a dangerous terrorist.17 In criminal trials, guilty defendants often go free because of legal technicalities, government inability to introduce probative evidence, and other factors beyond the defendant's innocence. These factors are all exacerbated in terrorist trials by the difficulties of getting information from the place of capture, by classified information restrictions, and by stale or tainted evidence. One way to get around this problem is to assert the authority, as the Bush administration did, to use non-criminal detention for persons acquitted or given sentences too short to neutralize the danger they pose. But such an authority would undermine the whole purpose of trials and would render them a sham. As a result, putting a suspect on trial can make it hard to detain terrorists the government deems dangerous. For example, the government would have had little trouble defending the indefinite detention of Salim Hamdan, Osama Bin Laden's driver, under a military detention rationale. Having put him on trial before a military commission, however, it was stuck with the light sentence that Hamdan is completing at home in Yemen.¶ As a result of these considerations, insistence on the exclusive use of criminal trials and the elimination of non-criminal detention would significantly raise the chances of releasing dangerous terrorists who would return to kill Americans or others. Since noncriminal military detention is clearly a legally available option—at least if it is expressly authorized by Congress and contains adequate procedural guarantees—this risk should be unacceptable. In past military conflicts, the release of an enemy soldier posed risks. But they were not dramatic risks, for there was only so much damage a lone actor or small group of individuals could do.18 Today, however, that lone actor can cause far more destruction and mayhem because technological advances are creating ever-smaller and ever-deadlier weapons. It would be astounding if the American system, before the advent of modern terrorism, struck the balance between security and liberty in a manner that precisely reflected the new threats posed by asymmetric warfare. We face threats from individuals today that are of a different magnitude than threats by individuals in the past; having government authorities that reflect that change makes sense.

#### Extinction---equivalent to full-scale nuclear war

Owen B. Toon 7, chair of the Department of Atmospheric and Oceanic Sciences at CU-Boulder, et al., April 19, 2007, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” online: http://climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

## XO CP

#### The President of the United States should issue an executive order mandating that

#### Obama can transfer detainees using executive authority.

Schanzer 13 [David H. Schanzer is an Associate Professor of the Practice at the Duke Sanford School of Public Policy and Director of the Triangle Center on Terrorism and Homeland Security. He is also an Adjunct Professor of Public Policy at the University of North Carolina Chapel Hill. In these capacities, he teaches courses and conducts research on counter-terrorism strategy, counterterrorism law, and homeland security. He also serves as the Director for Strategy and Outreach for the Institute of Homeland Security Solutions, a research consortium between Duke, UNC Chapel Hill, and RTI International focusing on applied social science research to advance the national homeland security mission. Nice Speech on Closing Gitmo, Mr. President; but It’s still Open (Schanzer), 5/25/2013, http://www.juancole.com/2013/05/closing-president-schanzer.html]

If Obama wants to be bold, he could exercise his commander-in-chief authority and order the convicted detainees to be moved from GITMO to military jails inside the United States. He hinted that he might be thinking about doing this because he has directed the Department of Defense to identify a place that could hold military commissions (where presumably the detainees would be able to stay both during and after trial). This move would certainly instigate a direct confrontation with Congress that, first of all, Obama may lose, and second of all, could jeopardize other parts of his agenda, like immigration reform. For these reasons, advocates for a swift closure of GITMO should not expect to see this type of provocative move any time soon. Obama might designate a place for these trials to be held, but I am dubious that he would move detainees there against congressional will.

## Ikenberry CP

#### Text: The United States Federal Government should substantially increase funding for global education, health, shelter, and social service initiatives administered by the United Nations.

#### The United States Federal Government should declare its willingness to cooperate on and participate in international climate science and disease research.

#### The United States Federal Government should announce its support for the expansion of the permanent membership on the Security Council.

#### The United States Federal Government should enter into negotiations with democratic states over the creation of a Concert of Democracies.

#### The United States federal government <<bioweapons>>

#### Counterplan solves the actual issues Ikenberry says are crucial to restoring legitimacy.

Ikenberry 8 [G. John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs. An AGEndA FoR LIBERAL IntERnAtIonAL REnEWAL Finding Our Way: Debating American Grand Strategy Edited by Michèle A. Flournoy and Shawn Brimley Contributing Authors: Robert J. Art, G. John Ikenberry, Frederick W. Kagan, Barry R. Posen, Sarah Sewall, Vikram J. Singh Center for New American Security, June 2008]

The **New Agenda** of Liberal Order Building If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? As we have seen, there are several objectives that such a strategy might seek to accomplish. The first is to build a stronger “protective infrastructure” of international capacities to confront an array of shifting, diffuse, and uncertain threats and catastrophes—this is, in effect, creating an infrastructure of global social services. The second is the rebuilding of a system of cooperative security, reestablishing the primacy of America’s alliances for strategic cooperation, and the projection of force. The third is the reform of global institutions that support collective action and multilateral management of globalization—such as the United Nations and multilateral economic institutions—to create greater institutional capacities for international decision making and the provision of public goods. The fourth is to create new institutions and reform old ones so that rising states—particularly China but also India and other emerging powers—can more easily be embedded in the existing global system rather than operate as dissatisfied revisionist states on the outside. Finally, through all these efforts, the United States needs to endeavor to reestablish its hegemonic legitimacy—a preeminent objective that must be pursued with policies and doctrine that signal America’s commitment to rule-based order.14 Given these goals, the agenda of institutional order building would include the following. First, the United States needs to lead in the building of an enhanced “protective infrastructure” that helps prevent the emergence of threats and limits the damage if they do materialize.15 Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that generate regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. Institutional cooperation is needed to strengthen the capacity of governments and the international community to prevent epidemics, food shortages, or mass migrations that create global upheaval—or mitigate the effects of these upheavals if they do, in fact, occur. It is useful to think of a strengthened protective infrastructure as investment in global social services, much as cities and states invest in such services. It is typically money well spent. Education, health programs, shelters, and social services are vital components of stable and well functioning communities. The international system already has a great deal of this infrastructure— institutions and networks that promote cooperation in areas of public health, refugees, and emergency aid. But in the 21st century, as the scale and scope of potential problems continue to grow, investments in these preventive and management capacities will require commensurate expansion. Early warning systems, protocols for emergency operations, standby capacities, and like capabilities are the stuff of a protective global infrastructure. Second, the United States should recommit to and rebuild its security alliances. The idea would be to update the old bargains that lie behind these security pacts. In NATO—but also in the East Asia bilateral partnerships—the United States agrees to provide security protection to the other member states and bring its partners into the process of decision making over the use of force. In return, these partners agree to work with the United States by providing manpower, logistics and other types of support in wider theaters of action. The United States gives up some autonomy in strategic decision making—although it is a more informal than legal-binding restraint—and in exchange it earns cooperation and political support. The United States also remains “first among equals” within these organizations, and thus retains leadership of the unified military command. The updating of these alliance bargains would involve widening the regional or global missions in which the alliance operates and making new compromises over the distribution of formal rights and responsibilities.16 The NATO efforts in Afghanistan are a crucial test of the viability of the alliance as a practical tool of American and European security. A long-term and shared commitment—anchored in NATO—to the stabilization of order and rule in Afghanistan is crucial to the wider health and welfare of the Atlantic security partnership. There are several reasons why the renewal of security partnerships is critical to liberal order building. One is that security alliances involve relatively well defined, specific, and limited commitments, an attractive feature for both the leading military power and its partners. States know what they are getting into and what the limits are on their obligations and liabilities. Another is that alliances provide institutional mechanisms that allow accommodations for disparities of power among partners within the alliance. Alliances do not embody universal rules and norms that apply equally to all parties. NATO, at least, is a multilateral body, with formal and informal rules and norms of operation, that both accommodates the most powerful state and provides roles and rights for others. Another virtue of renewing the alliances is that they serve as institutional bodies, which form necessary “political architecture” across the advanced democratic world. The alliances provide channels of communication and joint decision making that spill over into the wider realms of international relations. They are also institutions with grand histories and records of accomplishment. The United States is a unipolar military power, but it still has incentives to share the costs of security protection and find ways to legitimate the use of its power. The postwar alliances— renewed and reorganized—are an attractive tool for these purposes. Robert Kagan has argued that to regain its lost legitimacy, the United States needs to return to its postwar bargain: giving some Europeans voice over American policy in exchange for their support. The United States, Kagan points out, “should try to fulfill its part of the transatlantic bargain by granting Europe some influence over the exercise of its power—provided that, in return, Europeans wield that influence wisely.” 17 This logic informed American security cooperation with its European and East Asian partners during the Cold War. It is a logic that can be renewed today to help make unipolarity more acceptable. Third, America should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the UN, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reformed voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the UN and thereby strengthen the primacy of the United Nations as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, use of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action. The other step is to create a “concert of democracies.” The idea would not be to establish a substitute body for the United Nations—which some advocates of a concert or league suggest—but to simply provide another venue where democracies can discuss common goals and reinforce cooperation. Proposals exist for various types of groupings of democracies, some informal and consultative and others more formal and task-oriented.18 The experience of the last century suggests that the United States is more likely to make institutional commitments and bind itself to other states if those countries are democracies. This is true for both practical and normative reasons. Because liberal democracies are governed by the rule of law and open to scrutiny, it is easier to establish the credibility of their promises and develop long-term commitments. But the values and identities that democracies share also make it easier for them to affiliate and build cooperative relations. These shared identities were probably more strongly felt during the Cold War when the United States was part of a larger “free world.” Institutionalized cooperation between the United States and its European and East Asian partners is surely driven by shared interests; but it is reinforced by shared values and common principles of government. American leaders find it easier to rally domestic support for costly commitments and agreements abroad when the goal is to help other democracies and strengthen the community of democracies. The danger of a “concert of democracies” is that it will alienate great powers—such as China and Russia—that are left outside its membership. There is also the danger that the concert will become too successful and undermine the UN as the key universal organization mandated to speak on the grand issues of war and peace. The concert should certainly not aspire to replace the United Nations Security Council and it should not become a vehicle to heighten tension between the democratic world and other states. It should be a club—like other gatherings in world politics— that helps facilitate collective action. It should be low-key and lead by the actions of the middle- to lower-tier democracies rather than through pronouncements from Washington. The concert should not be seen as a body that can simply legitimate American military actions. Quite the contrary, it should act in part to restrain, commit, and inform the exercise of American power and connect that power more closely to other states.

## China DA

#### Obama won’t pressure China until he closes Guantanamo

Kessler 10

Glenn Kessler, chief State Department reporter for nine years, traveling around the world with three different Secretaries of State, veteran diplomatic correspondent, Washington Post, 7/22/10, “Clinton, Gates offer distinct messages on human rights in Asia,” http://voices.washingtonpost.com/checkpoint-washington/2010/07/perhaps\_it\_is\_a\_coincidence.html atw

Clinton, on her first overseas trip, caused waves when she said promotion of human rights in China would have to take a back seat issues such as climate change and the financial crisis. Administration officials at the time said the White House was taking a more subtle approach on human rights, first seeking to reestablish U.S. credibility by pledging to close the detention center at Guantanamo Bay**,** Cuba, and then working behind the scenes to advance change overseas.

#### Refocusing on human rights entrenches an ideological divide and reignites a cool war

Feldman 13

Noah Feldman, Bemis Professor of International Law at Harvard Law School, senior adjunct fellow at the Council on Foreign Relations, Salon, 5/19/13, “How Guantanamo affects China: Our human rights hypocrisies ”, http://www.salon.com/2013/05/19/how\_guantanamo\_affects\_china\_our\_human\_rights\_hypocrisies/ //jchen

How Guantanamo affects China: Our human rights hypocrisies

In May 2012, Secretary of State Hillary Clinton and Secretary of Treasury Timothy Geithner were poised to make a rare double visit to China for a high-level strategic and economic dialogue. The presence of both of these key cabinet officials at a delicate moment in the relationship between the two countries marked the importance of the issues. For once, economic interdependence and geopolitics were on the agenda at the same moment.

But on April 22, in the tiny village of Dongshigu in the eastern Shandong province, something happened that would eclipse the visit. Chen Guangcheng, a blind dissident lawyer-activist, managed to scale a high wall to escape the building where he had been under house arrest for two years. Chen broke his foot in the process, yet over the next several days, with the help of other activists, he managed to make his way four hundred miles to Beijing, where he was taken into the U.S. embassy. On April 27, when he was inside the embassy, a YouTube video was posted in which Chen informed Premier Wen Jiabao that he had escaped and demanding punishment for the local officials who had detained him.

In the days that followed, Chen’s future became an international incident of the highest order. Chen first insisted he did not want to leave China. Then, after he was transferred to a Chinese hospital to have his foot treated, he changed his mind. In an emblematic piece of cool war theater, Chen, from his hospital bed, used a borrowed mobile phone to address an open hearing of the U.S. Congress in Washington. He told the congressmen — and the world — that he was worried for his family’s safety and wanted to come to the United States.

Chen’s predicament, featured for days on the front pages of the U.S. press, drew Western eyes away from the secretarial visit. Finally, after days of intense negotiations between ranking U.S. diplomats and their Chinese counterparts, Chen obtained permission to travel to the United States as a special student, a “solution” that spared China the embarrassment of having Chen granted asylum status. The pressing questions of politics and economics that were supposed to be the subject of the visit were ignored, replaced by the subject of human rights.

The Chen Guangcheng episode hints at the hugely complicated and hugely important way that human rights will figure in the cool war. The United States showed a willingness to put human rights issues front and center, even when other issues were supposed to be on the table. The upstaging of a major diplomatic encounter by a focus on China’s human rights violations may conceivably have been planned by someone within the U.S. government, since the whole story of Chen’s escape seems highly improbable without help. Even if the timing of Chen’s escape was accidental, the U.S. embassy still had to decide to take Chen in, creating an inevitable crisis. Either way, the United States knowingly put human rights first in a highly public forum.

From the Chinese standpoint, the whole episode must have been frustrating and embarrassing. Enormous diplomatic resources went into discussing the fate of one previously little-known human rights activist. Instead of being treated respectfully as a rising global power, China was being scolded as a rights violator. The United States seemed to be using human rights to weaken China and give itself an edge in discussions between them.

The emerging historical moment is creating a new context for the rhetoric and practice of human rights. For the first time since the fall of the Soviet Union, the United States now has a major incentive to promote the international human rights agenda. So long as China continues to violate human rights, there may be no better ideological tool for the United States to gain advantage under cool war circumstances.

#### Causes US China War – ideology is comparatively more important than other interests

Feldman 13

Noah Feldman is Bemis Professor of International Law at Harvard Law School, senior adjunct fellow at the Council on Foreign Relations, “Cool War”, 2013 //jchen

The Cold War was a battle of ideals. Communism and liberal de-mocracy each claimed the moral high ground, and each claimed to be superior in practice. As systems, they were mutually exclusive. Only one side could win.

Will the cool war be ideological in the same way? Today, is either China or the United States advocating a universal ideology meant to apply to everyone everywhere? If not, then perhaps in the absence of ideological struggle, the two nations could craft a kind of competitive partnership. Each would have its sphere of influence and shared responsibility for maintaining global security and stability. An Asia dominated by China could be counterbalanced by a West dominated by the United States. Everyone would get along. There would be neither cold war nor cool war. Each would be a “responsible stakeholder” in the international system, as Robert Zoellick, George W. Bush’s deputy secretary of state, optimisti¬cally put it in 2007.

This scenario of shared maintenance of the international order sounds appealing. For the United States, after all, being the sole superpower has had its drawbacks. The financial burden of main¬taining global stability has been high. Even more costly have been America’s unforced errors during two decades of unquestioned dominance. A strategic counterpart might help keep it honest. One reason that the United States invaded Iraq and Afghanistan was that it could.

But if cool war ideologies are sufficiently universal and mutually exclusive, they will pose genuine barriers to peaceful, cooperative strategic coexistence. Ideas about how people should be governed and what states are for exert a tremendous influence on international politics. Political ideas are among the tools we use to define what our interests are. These ideas can be even more important than what realists describe as enduring interests. In interna¬tional affairs, as in every area of life, interests are not facts like the laws of nature. They are, rather, objectives that we choose based on our ideas—the product of what we believe our interests to be.

Of course, countries with very different political ideas and sys¬tems cooperate with one another for mutual benefit. The United States and Saudi Arabia have been close allies for decades despite the fact that one is a democracy with no established religion and the other is an Islamic monarchy. Each side has something the other wants. The United States offers security and a market, and Saudi Arabia offers oil. Even countries at war with each other can reach limited agreements in narrow domains.1

But when political ideologies are opposed and aggressive, then any accommodation cannot be more than temporary—an opportunity for both sides to gather resources for the final battle between them. Cooperation strengthens the enemy and is therefore not to be undertaken except under limited, exceptional circumstances and to avoid disastrous breakdown, like the modest cooperation between the Soviet Union and the United States during the Cold War.

#### Extinction.

White 11 [Mr. Hugh White is professor of strategic studies at the Australian National University in Canberra and a visiting fellow at the Lowy Institute in Sydney. The Obama Doctrine WSJ, 11/25/11 http://online.wsj.com/article/SB10001424052970204452104577057660524758198.html]

One risk is that escalating strategic competition will disrupt the vital economic relationship between the U.S. and China. Many hope that the two countries' deep interdependence will prevent their rivalry getting out of hand. But that will only happen if both sides are willing to forgo strategic objectives to protect their economic cooperation. With the Obama Doctrine, the President has declared that he has no intention of doing that. Why should we expect the Chinese to act any different? So it is more likely that escalating rivalry will soon start to erode economic interdependence between the two nations, at great cost to both. The other risk is the growing chance of conflict. A war with China over Taiwan or the Spratly Islands is simple to start but hard to end, and could very easily escalate. China is a nuclear-armed power capable of destroying American cities, and the threshold for nuclear exchanges in a U.S.-China clash might be dangerously unclear and disastrously low.

## CASE

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### Human Rights

#### I-law’s a joke.

Hiken 12 [Marti Hiken, former Associate Director of the Institute for Public Accuracy and former chair of the National Lawyers Guild Military Law Task Force, is the director of Progressive Avenues. Luke Hiken is an attorney who has engaged in the practice of criminal, military, immigration, and appellate law. The Impotence of International Law July 17, 2012 Cross-posted from Progressive Avenues. http://www.fpif.org/blog/the\_impotence\_of\_international\_law?utm\_source=feedburner&utm\_medium=feed&utm\_campaign=Feed%3A+FPIF+%28Foreign+Policy+In+Focus+%28All+News%29%29&utm\_content=Google+Reader]

Whenever a lawyer or historian describes how a particular action “violates international law” many people stop listening or reading further. It is a bit alienating to hear the words “this action constitutes a violation of international law” time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: “…and it is a war crime and it denies people their human rights.” **A plethora of international law violations are perpetrated by every major power in the world each day**, and thus, the empty invocation of international law does nothing but reinforce our own sense of impotence and helplessness in the face of international lawlessness. The United States, alone, and on a daily basis violates **every principle of international law ever envisioned**: unprovoked wars of aggression; unmanned drone attacks; tortures and renditions; assassinations of our alleged “enemies”; sales of nuclear weapons; destabilization of unfriendly governments; creating the largest prison population in the world – the list is virtually endless. Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in theory, not in practice. Each time a legal scholar points out the particular treaties being ignored by the superpowers (and everyone else) the only appropriate response is “so what!” or “they always say that.” If there is no enforcement mechanism to prevent the violations, and no military force with the power to intervene on behalf of those victimized by the violations, what possible good does it do to invoke principles of “truth and justice” that border on fantasy?

#### Everyone ignores it.

Bradford and Posner 11 [Anu Bradford & Eric A. Posner \* Assistant Professor of Law and Kirkland & Ellis Professor of Law, University of Chicago Law Universal Exceptionalism in International Law VOLUME 52, NUMBER 1, WINTER 2011 <http://www.harvardilj.org/wp-content/uploads/2011/02/HILJ_52-1_Bradford_Posner.pdf>]

One might argue that states’ rhetoric is immaterial; what matters instead is their behavior. The United States is exemptionalist because it violates international law that does not suit its interests. It hardly matters that the United States does not admit that it violates international law, or does not claim a de jure privilege to violate international law that binds others. Be- hind the rhetoric, the United States engages in de facto exemptionalism. The problem with this argument is that **all states violate international law** some of the time. For the United States, the bill of particulars includes the 2003 Iraq War, the 1999 Kosovo War, torture and extraordinary rendi- tion in connection with the war on terror, and a number of trade violations. For the EU, there is a similar list—the 1999 Kosovo War, complicity in extraordinary rendition, trade violations, and—for a substantial group of member states—the 2003 Iraq War. For China, an authoritarian state, one can point to extensive human rights violations, including the suppression of political dissent and religious freedom. Ordinary states also sometimes vio- late international law. Human rights violations, including torture, 227 and violations of countries’ WTO obligations are widespread. Our argument is not that the United States violates international law less than other countries do. We do not seek to, or even know how to, measure and compare violations. Our argument, instead, is that, qualitatively speak- ing, there is nothing distinctive about the United States. Like the other major powers, and indeed like many normal states, it sometimes violates international law. Either all states are exemptionalist, in which case the term is useless, or none are. A similar point can be made about behavior that falls short of interna- tional law violation but that is in tension with a state’s exceptionalist stance on international law. As we noted earlier, many people argue that the United States engages in double standards when it coddles friendly dictators while proclaiming a commitment to human rights. The EU, of course, en- gages in similar behavior. Both the United States and the EU try to main- tain friendly relations with China, Russia, and other authoritarian states because of their geopolitical and economic importance. These countries are simply balancing objectives that are not always consistent—prosperity and security, on the one hand, and the promotion of human rights, on the other.

**Plan doesn’t solve bioweapons international law—Guantanamo doesn’t effect whether the US or Syria calculates building bioweapons to be in their interest.**

#### Verification of the BWC is impossible – the US rjects the possibility of it working

Roberts 3 Guy B. Roberts INSS Occasional Paper 49 March 2003 Arms Control without Arms Control: The Failure of the Biological Weapons Convention Protocol and a New Paradigm for Fighting the Threat of Biological Weapons

<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA435071>

After being terrorized by the October 2001 anthrax attacks in¶ which five people lost their lives, it was anticipated that the United¶ States would support a new protocol touted as a new compliance¶ mechanism for strengthening the Biological Warfare Convention¶ (BWC). However, in December 2001, the United States rejected¶ the protocol as ineffective and fatally flawed. Backed by years of¶ study and test inspections, the United States argued that traditional¶ arms control approaches to biologically based substances can not¶ work because of the dual nature of these substances. Unlike¶ chemical or nuclear weapons, the components of biological warfare¶ are found in nature, in the soil and air. The presence of these¶ organisms in any quantity does not necessarily connote a sinister¶ motive. Absent actual weaponization or compelling evidence of¶ intent, it is virtually impossible to prove a violation of the BWC.¶ Further, any information gains from such measures are more than¶ offset by the risks to sensitive bio-defense programs and¶ confidential and proprietary business information.

#### BWC is violated – states act in their own best interests

Kimball 12 [Daryl Kimball](mailto:%20dkimball@armscontrol.org), Executive Director, Arms Control Association September 2012 The Biological Weapons Convention (BWC) At A Glance http://www.armscontrol.org/factsheets/bw

The convention has been flagrantly violated in the past. The Soviet Union, a state-party and one of the convention's depositary states, maintained an enormous offensive biological weapons program after ratifying the BWC. Russia says that this program has been terminated, but questions remain about what happened to elements of the Soviet program. Iraq violated its commitments as a signatory state with its biological weapons program, which was uncovered by the UN Special Commission on Iraq after the Persian Gulf War. Iraq became a state-party after the war but is thought by the United States to be still violating the convention.

In November 2001, the United States publicly accused Iraq, as well as member state North Korea, of breaching the convention's terms. Washington also expressed concern about compliance by Iran and Libya, which are also states-parties, and by Syria. The United States itself raised concerns in 2001 about whether some of its activities, ostensibly being conducted as part of its biodefense program, are permitted under the BWC. In 2002, Washington added Cuba, also a state-party, to its list of countries conducting activities that violate the convention.

#### Authoritarian states ignore norms.

McGinnis 7 [John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175]

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones. The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied. Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, **regardless of the norms we adopt.** It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

#### U.S is irrelevant to human rights norms – public opinion, norms, and NGO networks outweigh U.S. policy.

Moravcsik 5 [Andrew Moravcsik 5, PhD and a Professor of Politics and International Affairs at Princeton, 2005, "The Paradox of U.S. Human Rights Policy," American Exceptionalism and Human Rights, http://www.princeton.edu/~amoravcs/library/paradox.pdf]

It is natural to ask: What are the consequences of U.S. "exemptionalism” and noncompliance? International lawyers and human rights activists regularly issue dire warnings about the ways in which the apparent hypocrisy of the United States encourages foreign governments to violate human rights, ignore international pressure, and undermine international human rights institutions. In Patricia Derian's oft-cited statement before the Senate in I979: "Ratification by the United States significantly will enhance the legitimacy and acceptance of these standards. It will encourage other countries to join those which have already accepted the treaties. And, in countries where human rights generally are not respected, it will aid citizens in raising human rights issues.""' One constantly hears this refrain. Yet there is little empirical reason to accept it. Human rights norms have in fact spread widely **without much attention to U.S. domestic policy**. In the wake of the "third wave" democratization in Eastern Europe, East Asia, and Latin America, government after government moved ahead toward more active domestic and international human rights policies without attending to U.S. domestic or international practice." The human rights movement has **firmly embedded** itself in public opinion and NGO networks, in the United States as well as elsewhere, despite the dubious legal status of international norms in the United States. One reads occasional quotations from recalcitrant governments citing American noncompliance in their own defense-most recently Israel and Australia-but there is little evidence that this was more than a redundant justification for policies made on other grounds. Other governments adhere or do not adhere to global norms, comply or do not comply with judgments of tribunals, **for reasons that seem to have little to do with U.S. multilateral policy.**

#### No threatening programs and current defenses solve bioweapons

Orent 9 [Wendy, Ph.D. in anthropology from the University of Michigan, leading freelance science writer, and author of Plague: The Mysterious Past and Terrifying Future of the World's Most Dangerous Disease, "America's Bioterror Bugaboo." Los Angeles Times (Los Angeles, CA) 17 Jul 2009: A.29. SIRS Researcher. Web. 29 January 2010]

After the anthrax letter attacks of October 2001, the Bush administration pledged $57 billion to keep the nation safe from bioterror. Since then, the government has created a vast network of laboratories and institutions to track down and block **every remotely conceivable** form of bioterror threat. The Obama administration seems committed to continuing the biodefense push, having just appointed a zealous bioterror researcher as undersecretary of science and technology in the Department of Homeland Security. But is the threat really as great as we've been led to believe? Last summer, the FBI concluded that the anthrax letters that killed five Americans came not from abroad but from an American laboratory, the United States Army Medical Research Institute of Infectious Diseases. Meanwhile, the Russian bioweapons program was officially shut down in 1992, and it's unlikely that anything remaining of it could pose much of a threat. Iraq, it has turned out, had no active program. And Al Qaeda's rudimentary explorations were interrupted, according to an Army War College report, by the U.S. invasion of Afghanistan.

#### No lashout.

Garfinkle 9 [Adam, PhD International Relations @ UPenn, former professor of foreign policy and Middle East politics @ UPenn and Johns Hopkins, and editor of The American Interest. “Does Nuclear Deterrence Apply in the Age of Terrorism?” Foreign Policy Research Institute, http://www.fpri.org/footnotes/1410.200905.garfinkle.nucleardeterrenceterrorism.html, May 2009]

Indeed, it would probably be so much easier to hide and deliver than if there were a bioweapons attack, it would not be obvious right away whether it was in fact an attack or a naturally occurring event—for example a smallpox, anthrax or possibly an Ebola outbreak. In the event of a nuclear terrorist incident, we would probably be able to trace back to the source of the attack and would thus probably be able to retaliate or in other ways ensure that those who struck us were never able to do so again. But after a bioweapons attack, it is more likely that we would not be able to trace back the source. Biotechnology, especially in conjunction with nanotechnology, is being conducted around the world today, and we do not even have a database on the research that is going on. There is no international agreement to build such a database either. We ought to have one, or we may in fact end up living one day in an age of WMD terror.

#### No bioterror – funding, technical barriers.

Musson 12 [Gail C, Lieutenant, United States Navy, Title Smallpox as a Bioweapon Should We Be Concerned Publisher Monterey, California: Naval Postgraduate School Issue Date 2012-03, http://calhoun.nps.edu/public/bitstream/handle/10945/6839/12Mar\_Musson.pdf?sequence=1]

In spite of these seeming scientific advances, some reputable scientists remain unconvinced. A professor of immunology at University of California at Los Angeles believes that these claims are exaggerated: “It is almost inconceivable that any terrorist organization we know of [could develop] a bioweapon capable of causing mass casualties on American soil.” 155 There is no reason to assume that well-equipped terrorists are inherently less capable than well-equipped scientists. Once it is scientifically possible, anyone with the right knowledge and equipment would be capable of synthesizing the Variola virus. One scientist has assessed the cost of additional equipment (beyond standard laboratory supplies) that would be required in order to synthesize a virus. He calculated that buying the required nucleotide sequences for Variola through the mail would cost $50,000. 156 The equipment required to assemble the pieces (a DNA synthesizer, a DNA sequencer, a thermocycler, centrifuges, hoods, and sterilization equipment) would cost an additional four- to five-hundred thousand dollars. 157 This amount of money would not be prohibitive to all terrorist organizations; for example, Aum Shinrikyo managed to raise between $300 million and $1.4 billion in assets for its terrorism projects.158 The case of Aum Shinrikyo also demonstrates that funding is not the sole hurdle that must be overcome in chemical or biological attack. As with smallpox, there are other barriers to weaponization that must be addressed by scientists with biotechnical backgrounds. Following the proper procedures and precautions to grow smallpox safely and correctly while remaining undetected is one challenge that the terrorists would likely find difficult to resolve. They must also choose a means of weaponization, and either resort to using infected suicide volunteers, or perfect the required procedures to disseminate smallpox in a liquid or dry form. All three dissemination methods present barriers to success due to either the low chance of transmission, large amount of technological accessories required, or danger to weaponizers during the process. Although the Soviet Union was able to overcome these difficulties, its weaponization program was funded by the state, provided with multiple well-equipped laboratories designed for bioweapons research, supplemented with a high-tech missile inventory to aid in dissemination, and staffed with credibly trained scientists. It is probable that these benefits would not be available to individual bioterrorists; this makes it less likely that one could successfully weaponize smallpox. Additionally, the Soviet government devoted resources to protecting the secrecy of its program. A non-state program trying to hide its activities would be more susceptible to discovery, which could act as an additional deterrent.

#### Not an existential risk.

Fettweis 10 [Christopher J., fifth year doctoral student in the University of Maryland's Department of Government and Politics. His primary interests include US foreign and national security policies. His dissertation, currently titled The Geopolitics of Energy and the Obsolescence of Major War, focuses on the relationship between oil and conflict. Mr. Fettweis has a BA in History from the University of Notre Dame, Threat and Anxiety in US Foreign Policy, April 2010 Survival, 52:2, 59 - 82]

Even terrorists equipped with nuclear, biological or chemical weapons would be incapable of causing damage so cataclysmic that it would prove fatal to modern states. Though the prospect of terrorists obtaining and using such weapons is one of the most consistently terrifying scenarios of the new era, it is also **highly unlikely** and not nearly as dangerous as sometimes portrayed. As the well-funded, well-staffed Aum Shinrikyo cult found out in the 1990s, workable forms of weapons of mass destruction are hard to purchase, harder still to synthesise without state help, and challenging to use effectively. The Japanese group managed to kill a dozen people on the Tokyo subway system at rush hour. While tragic, the attack was hardly the stuff of apocalyptic nightmares. Super-weapons are simply not easy for even the most sophisticated non-state actors to use.31 If terrorists were able to overcome the substantial obstacles and use the most destructive weapons in a densely populated area, the outcome would of course be terrible for those unfortunate enough to be nearby. But we should not operate under the illusion that doomsday would arrive. Modern industrialised countries can cope with disasters, both natural and man-made. As unpleasant as **such events** would be, they **do not represent existential threats.**

### Legitimacy

#### Liberal international order and rule of law inevitable – even without the US

Ikenberry 11

G. JOHN IKENBERRY is Albert G. Milbank Professor of Politics and International Affairs at Princeton University and the author of Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order, Foreign Affairs, May/Jun 2011, “The Future of the Liberal World Order: Internationalism After America”, 56-68 //jchen

But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it.

Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order-benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized g-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system.

In the meantime, alternatives to an open and rule-based order have yet to crystallize. Even though the last decade has brought remarkable upheavals in the global system-the emergence of new powers, bitter disputes among Western allies over the United States' unipolar ambitions, and a global financial crisis and recession-the liberal international order has no competitors. On the contrary, the rise of non-Western powers and the growth of economic and security interdependence are creating new constituencies for it.

To be sure, as wealth and power become less concentrated in the United States' hands, the country will be less able to shape world politics. But the underlying foundations of the liberal international order will survive and thrive. Indeed, now may be the best time for the United States and its democratic partners to update the liberal order for a new era, ensuring that it continues to provide the benefits of security and prosperity that it has provided since the middle of the twentieth century.

THE LIBERAL ASCENDANCY

China and the other emerging powers do not face simply an American-led order or a Western system. They face a broader international order that is the product of centuries of struggle and innovation. It is highly developed, expansive, integrated, institutionalized, and deeply rooted in the societies and economies of both advanced capitalist states and developing states. And over the last half century, this order has been unusually capable of assimilating rising powers and reconciling political and cultural diversity.

#### Restricting detention policies means we kill and extradite prisoners – turns credibility

Jack Goldsmith 09, a professor at Harvard Law School and a member of the Hoover Institution Task Force on National Security and Law, assistant attorney general in the Bush administration, 5/31/09, “The Shell Game on Detainees and Interrogation,” <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/29/AR2009052902989.html>

The cat-and-mouse game does not end there. As detentions at Bagram and traditional renditions have come under increasing legal and political scrutiny, the Bush and Obama administrations have relied more on other tactics. They have secured foreign intelligence services to do all the work -- capture, incarceration and interrogation -- for all but the highest-level detainees. And they have increasingly employed targeted killings, a tactic that eliminates the need to interrogate or incarcerate terrorists but at the cost of killing or maiming suspected terrorists and innocent civilians alike without notice or due process.¶ There are at least two problems with this general approach to incapacitating terrorists. First, it is not ideal for security. Sometimes it would be more useful for the United States to capture and interrogate a terrorist (if possible) than to kill him with a Predator drone. Often the United States could get better information if it, rather than another country, detained and interrogated a terrorist suspect. Detentions at Guantanamo are more secure than detentions in Bagram or in third countries.¶ The second problem is that terrorist suspects often end up in less favorable places. Detainees in Bagram have fewer rights than prisoners at Guantanamo, and many in Middle East and South Asian prisons have fewer yet. Likewise, most detainees would rather be in one of these detention facilities than be killed by a Predator drone. We congratulate ourselves when we raise legal standards for detainees, but in many respects all we are really doing is driving the terrorist incapacitation problem out of sight, to a place where terrorist suspects are treated worse.¶ It is tempting to say that we should end this pattern and raise standards everywhere. Perhaps we should extend habeas corpus globally, eliminate targeted killing and cease cooperating with intelligence services from countries that have poor human rights records. This sentiment, however, is unrealistic. The imperative to stop the terrorists is not going away. The government will find and exploit legal loopholes to ensure it can keep up our defenses.¶ This approach to detention policy reflects a sharp disjunction between the public's view of the terrorist threat and the government's. After nearly eight years without a follow-up attack, the public (or at least an influential sliver) is growing doubtful about the threat of terrorism and skeptical about using the lower-than-normal standards of wartime justice.¶ The government, however, sees the terrorist threat every day and is under enormous pressure to keep the country safe. When one of its approaches to terrorist incapacitation becomes too costly legally or politically, it shifts to others that raise fewer legal and political problems. This doesn't increase our safety or help the terrorists. But it does make us feel better about ourselves.

#### Heg sustainable – capabilities trump “credibility.”

Beauchamp 9/16 [Zack Beauchamp is a Reporter/Blogger for ThinkProgress.org. He previously contributed to Andrew Sullivan’s The Dish at Newsweek/Daily Beast, and has also written for Foreign Policy and Tablet magazines. Zack holds B.A.s in Philosophy and Political Science from Brown University and an M.Sc in International Relations from the London School of Economics. No, Syria Is Not Proof Of American Decline http://thinkprogress.org/security/2013/09/16/2624531/syria-proof-american-decline/]

Here are a few things that are still true after President Obama’s much-mocked deal with Russian President Vladimir Putin over Syria’s chemical weapons: The United States, which houses about 4 percent of the world population, accounts for 39 percent of global military spending. America’s military spending matches at least the next ten biggest spenders put together. America and its formal allies spend around 75 percent of the world’s world’s military dollars. That number is projected to fall to a historic low by 2015 — a still whopping 60 percent. 148 countries (75 percent of all nations) play host to American troops. American foreign bases house by far the most technologically advanced ground, naval, air, and unmanned forces in human history. US GDP is about twice that of its nearest competitor, China. A recent slowdown in Chinese economic growth suggests Beijing may not catch Washington until the 2100s. International institutions — the U.N., the IMF, the World Bank — all work to make the rest of the world OK with the American-led order by providing tangible benefits, like free trade on the high seas and means for states to resolve disagreements peacefully. But forget all of that, says the Beltway foreign policy cognoscenti. American power is in free-fall because Obama didn’t lob a few cruise missiles at Assad. “We may look back on last week and see [a threshold moment that] signaled growing American weakness,” wrote The Weekly Standard’s Lee Smith. Progressive Policy Institute President Will Marshall wondered if the United States could “be facing its own ‘east of Suez’ moment,” a reference to the 1956 Suez Canal crisis that many see as marking the end of Britain’s imperial global role. The normally sober Timothy Garton Ash penned a funereal dirge on the occasion of America’s death as “the indispensable anchor of some kind of liberal international order.” This is all nonsense. Let’s put aside for a moment that President Obama got what he wanted — an agreement to rid Syria of its chemical weapons stockpiles — without firing a shot. The fact remains that American power and the American-led global system won’t be affected in the slightest by what we do in Syria. Anyone who tells you otherwise badly misunderstands the nature of our current international order. The numbers I ran through at the beginning give the most obvious lie to the “Syria = decline” thesis. American global influence is built on a deep foundation of military, economic, and political power. Put simply, the U.S. has way more of each than anyone else. The foundations of this power gap are things like a larger and more technologically advanced military, a massively productive economy, and a deep web of alliances and privileged American positions in international institutions. This robust grounding doesn’t magically disappear because Obama made nice with Putin (and no, don’t step to me about “credibility.”)

#### Forward deployment doesn’t solve conflict.

Fettweis, Political Science – Tulane, 10 [Christopher J., fifth year doctoral student in the University of Maryland's Department of Government and Politics. His primary interests include US foreign and national security policies. His dissertation, currently titled The Geopolitics of Energy and the Obsolescence of Major War, focuses on the relationship between oil and conflict. Mr. Fettweis has a BA in History from the University of Notre Dame, Threat and Anxiety in US Foreign Policy, April 2010 Survival, 52:2, 59 - 82]

One potential explanation for the growth of global peace can be dismissed fairly quickly: US actions do not seem to have contributed much. The limited evidence suggests that there is little reason to believe in the stabilising power of the US hegemon, and that there is **no relation** between the relative level of American activism and international stability. During the 1990s, the United States cut back on its defence spending fairly substantially. By 1998, the United States was spending $100 billion less on defence in real terms than it had in 1990, a 25% reduction.29 To internationalists, defence hawks and other believers in hegemonic stability, this irresponsible 'peace dividend' endangered both national and global security. 'No serious analyst of American military capabilities', argued neo-conservatives William Kristol and Robert Kagan in 1996, 'doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace'.30 And yet the verdict from the 1990s is fairly plain: the world grew **more peaceful** while the United States cut its forces. No state seemed to believe that its security was endangered by a less-capable US military, or at least none took any action that would suggest such a belief. **No militaries were enhanced to address power vacuums; no security dilemmas drove insecurity or arms races; no regional balancing occurred** once the stabilis-ing presence of the US military was diminished. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in US military capabilities. Most of all, the United States was no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Bill Clinton, and kept declining as the George W. Bush administration ramped the spending back up. Complex statistical analysis is unnecessary to reach the conclusion that world peace and US military expenditure are unrelated.

#### Hegemonic stability is wrong

Preble 10 – Former prof, history, Temple U. PhD, history, Temple (Christopher, U.S. Military Power: Preeminence for What Purpose?, 3 August, http://www.cato-at-liberty.org/u-s-military-power-preeminence-for-what-purpose/)

Goure and the Hadley-Perry commissioners who produced the alternate QDR argue that the purpose of American military power is to provide global public goods, to defend other countries so that they don’t have to defend themselves, and otherwise shape the international order to suit our ends. In other words, the same justifications offered for American military dominance since the end of the Cold War. Most in Washington still embraces the notion that America is, and forever will be, the world’s indispensable nation. Some scholars, however, questioned the logic of hegemonic stability theory from the very beginning. A number continue to do so today. They advance arguments diametrically at odds with the primacist consensus. Trade routes need not be policed by a single dominant power; the international economy is complex and resilient. Supply disruptions are likely to be temporary, and the costs of mitigating their effects should be borne by those who stand to lose --- or gain --- the most. Islamic extremists are scary, but hardly comparable to the threat posed by a globe-straddling Soviet Union armed with thousands of nuclear weapons. It is frankly absurd that we spend more today to fight Osama bin Laden and his tiny band of murderous thugs than we spent to face down Joseph Stalin and Chairman Mao. Many factors have contributed to the dramatic decline in the number of wars between nation-states; it is unrealistic to expect that a new spasm of global conflict would erupt if the United States were to modestly refocus its efforts, draw down its military power, and call on other countries to play a larger role in their own defense, and in the security of their respective regions. But while there are credible alternatives to the United States serving in its current dual role as world policeman / armed social worker, the foreign policy establishment in Washington has no interest in exploring them. The people here have grown accustomed to living at the center of the earth, and indeed, of the universe. The tangible benefits of all this military spending flow disproportionately to this tiny corner of the United States while the schlubs in fly-over country pick up the tab.

#### No climate multilateralism – nationalism and economic interests.

Held 13 [David, Professor of Politics and International Relations, at the University of Durham AND Thomas Hale, Postdoctoral Research Fellow at the Blavatnik School of Government, Oxford University AND Kevin Young, Assistant Professor in the Department of Political Science at the University of Massachusetts Amherst, 5/24/13, “Gridlock: the growing breakdown of global cooperation,” http://www.opendemocracy.net/thomas-hale-david-held-kevin-young/gridlock-growing-breakdown-of-global-cooperation]

Gridlock exists across a range of different areas in global governance today, from security arrangements to trade and finance. This dynamic is, arguably, most evident in the realm of climate change. The diffusion of industrial production across the world—a process enabled by economic globalization—has created a situation in which the basic consumption of each individual directly affects the life chances of every other individual on the planet, as well as the life chances of future generations.¶ This is a powerful and entirely new form of global interdependence. Bluntly put, the future of our civilization depends on our ability to cooperate across borders. And yet, despite twenty years of multilateral negotiations under the UN, a global deal on climate change mitigation or adaptation remains elusive, with differences between developed countries, which have caused the problem, and developing countries, which will drive future emissions, forming the core barrier to progress. Unless we overcome gridlock in climate negotiations, as in other issue areas, we will be unable to continue to enjoy the peace and prosperity we have inherited from the postwar order.¶ There are, of course, several forces that might work against gridlock. These include the potential of social movements to uproot existing political constraints, catalysed by IT innovation and the use of associated technology for coordination across borders; the capacity of existing institutions to adapt and accommodate factors such as emerging multipolarity (the shift from the G-5/7 to the G-20 is one example); and efforts at institutional reform which seek to alter the organizational structure of global governance (for example, proposals to reform the Security Council or to establish a financial transaction tax). ¶ Whether there is the political will or leadership to move beyond gridlock remains a pressing question. Social movements find it difficult to convert protests into consolidated institutional change. At the same time, the political leadership of the great power blocs appears dogged by national concerns: Washington is sharply divided, Europe is preoccupied with the future of the Euro and China is absorbed by the challenge of sustaining economic growth as the prime vehicle of domestic legitimacy. Against this background, the further deepening of gridlock and the continuing failure to address global collective action problems appears likely.

#### Worst climate impacts take decades to arrive and don’t assume adaptation

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from numerous warnings from scientists and others that give the impression that human- induced climate change is an immediate threat to society (IPCC 2007a, 2007c; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007a), crop production might fall in the low latitudes (IPCC 2007a), water supplies might dwindle (IPCC 2007a), precipitation might fall in arid regions (IPCC 2007a), extreme events will grow exponentially (Stern 2006), and between 20 and 30 percent of species will risk extinction (IPCC 2007a). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets, causing severe sea-level rise, which would inundate hundreds of millions of people (Dasgupta and others 2009). Proponents argue that there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well-being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic conse- quences. The science and economics of climate change are quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two, accord- ing to Stern 2006) of no mitigation. Many of the predicted impacts assume that there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold, and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long-range climate risks. What is needed are long-run balanced responses.

#### Their impacts are pure hype

Lieberman, 2/19/10 (Ben, Specialist in Energy and Env. Issues and Senior Policy Analyst – Heritage Foundation Roe Institute for Economic Policy Studies, “Hype of Global Warming Far Scarier Than Science Shows”, 2010, http://blog.heritage.org/2010/02/19/hype-of-global-warming-far-scarier-than-science-shows/)

Q: As the controversy swirling around the IPCC deepens at the same time some are questioning the significance of global warming now that large portions of the U.S. are buried under record-breaking snow, what kind of information do policymakers need to make decisions about climate change? Any risks of global warming need to be weighed against the risks of global warming policies. Policymakers must have accurate information on both sides of the equation in order to avoid measures that do more harm than good. Most of the recent proposals — the Senate’s Boxer-Kerry cap-and-trade bill, a new UN treaty, EPA’s regulatory scheme — fail to accurately weigh the risks because they are based on the false premise that climate change is a dire threat. Simply put, global warming is not a crisis and should not be addressed as one. The recent wave of climate science scandals — climategate, glaciergate, hurricanegate, amazongate, others — have exposed a number of efforts initially crafted to hype the issue into something far scarier than the underlying science actually shows. Climategate — the release of internal emails from scientists with key roles in the UN’s 2007 Intergovernmental Panel on Climate Change (IPCC) Report — largely centered around the strained attempt to portray temperatures in recent decades as unprecedented throughout recorded history. The researchers had to go to extreme lengths to create this impression — grafting one data set onto another to manufacture the desired “hockey stick” effect, using computer programs that add warming to the underlying temperature data and then destroying that data before others could see it — which speaks volumes about the weakness of their case. To his credit, Phil Jones, the head of the University of East Anglia’s Climate Research Unit who had to step down pending the climategate investigation, recently conceded that temperatures have been statistically flat since 1995 and that the Medieval Warm Period may have been as warm as modern times. Slowly but surely, the hype and false certainty is being replaced by a more accurate picture of what the science really tells us about the earth’s temperature history. Similarly, most of the IPCC Report’s apocalyptic claims about the consequences of global warming – that Himalayan glaciers would completely melt by 2035, that damage from hurricanes and other extreme weather events has increased, that African agricultural production is poised to plummet, and that the Amazon rainforest is under grave threat – have been shown to be far-fetched speculation devoid of scientific support. Yvo de Boer, the UN’s top climate official, has just announced his resignation, in part due to the fact that so much so much alarmist junk made its way into the IPCC Report. There is a reason proponents of costly measures to address global warming have so exaggerated the risks – they essentially had to for there to be any chance the public would accept the high price tag for action to ratchet down carbon dioxide and other greenhouse gas emissions. Once the gloom and doom is replaced by a more accurate assessment of the risk, such measures as the Senate’s Boxer-Kerry bill, a new UN treaty, or EPA regulations look like an especially bad deal.

**Don’t solve disease—US legitimacy doesn’t mean we’ll just give away drugs for free. Legitimacy on detention policy doesn’t mean we start distributing drugs in sub-Saharan Africa where it’s not profitable.**

#### No extinction – low virulence evolution.

WSJ 13 [Matt Ridley, British scientist and journalist who wrote several popular science books. He is also a businessman and a member of the House of Lords. MIND AND MATTERMay 10, 2013, 8:26 p.m. ETNew Flu Bugs: Too Lethal For a Pandemic? By MATT RIDLEY - Columnist's name, http://online.wsj.com/article/SB10001424127887324326504578465190856177354.html]

Here we go again. A new bird-flu virus in China, the H7N9 strain, is spreading alarm. It has infected about 130 people and killed more than 30. Every time this happens, some journalists compete to foment fear, ably assisted by cautious but worried scientists, and then tell the world to keep calm. We need a new way to talk about the risk of a flu pandemic, because the overwhelming probability is that this virus will kill people, yes, but not in vast numbers. In recent years flu has always proved **vastly less perilous than feared.** In 1976 more people may have died from bad reactions to swine-flu vaccine than from swine flu. Since 2005, H5N1 bird flu has killed 374 people, not the two million to 7.4 million deemed possible by the World Health Organization. In 2009, H1N1 Mexican swine flu proved to be a normal flu episode despite apocalyptic forecasts. No doubt some readers will remind me that, in the story of the boy who cried "Wolf!", there eventually was a wolf. And that in 1918 maybe 50 million people died of influenza world-wide. So we should always worry a bit. But perhaps it's not just luck that has made every flu pandemic since then mild; it may be **evolutionary logic**. The new virus is said to need just five mutations to turn it into a human-to-human pathogen, two of which have already happened. But evolution is not just about mutation; it is also about **selection.** Assuming that a virus acquires the capacity to spread from person to person, will its virulence rise or fall as it spreads? As Maciej Boni of Oxford University and his colleagues argue in a new paper, this is an evolutionary question, because the change will come about through the relative success of different genetic strains. Imagine you are a flu virus. Your job is to see your progeny—copies of your genome—safely into as many new people as possible. There's competition from other mutant versions. Would you rather have your victim lying on his deathbed or out and about meeting people, albeit with a headache and a cough? In casual-contact diseases, there is a general tendency for virulence to decline. Colds are caused by hundreds of kinds of virus, none of which has ever been seriously lethal. Mosquito-borne diseases, by contrast, benefit from making their victims so ill that they lie still in darkened rooms perspiring and attracting insects. Why was flu so lethal in 1918? Perhaps the peculiarly crowded and intimate conditions of the trenches and field hospitals of World War I suited a high-virulence flu, though nobody can be sure. Jeffery Taubenberger of the Armed Forces Institute in Rockville, Md., and David Morens of the National Institutes of Health in Bethesda argued in a recent paper that the virus was essentially novel and that all subsequent flu pandemics consist of its low-virulence genetic descendants, sometimes with added genes from other strains. It was indeed "the mother of all pandemics." Calculations by Dr. Boni and his colleagues show that with 60% mortality, H5N1 bird flu is still four times too lethal to be able to spread within a human population. In captive ferrets (the experimental animal of choice for flu research) it is rapidly evolving toward lower virulence. Ironically, the most worrying sign for a bird-flu pandemic would be if the virulence dropped significantly—then it could spread. There are signs this might be happening in Egypt. There's no mystery as to why we talk up the risk every time: All the incentives point that way. Who among the headline-seeking journalists, reader-seeking editors, fund-seeking scientists, contract-seeking vaccine makers or rear-end-covering politicians has even a modest incentive to say: "It may not be as bad as all that"?

# 2NC

### Disease

#### US China cooperation key to solve disease

Haas, Ambassador and Director of the Policy Planning Staffin the US Department of State to the National Committee on US China Relations, ’02 (Richard, December 5, “China and the Future of US-China Relations” [www.ncuscr.org/articlesandspeeches/haass\_speech.htm](http://www.ncuscr.org/articlesandspeeches/haass_speech.htm))

Globalization itself is a dynamic, evolving process that creates new vulnerabilities along with new opportunities. It ties us to others for trading goods and knowledge. But it also is a conduit for the spread of terrorism, weapons of mass destruction, disease, crime, drugs, financial contagion, global climate change, and trafficking in human beings. Such problems, inevitably, demand collective responses. Without partners, the United States cannot easily or efficiently tackle problems that transcend America’s borders. Al-Qaeda operates in more than sixty countries. HIV/AIDS and tuberculosis do not stop at Immigration and Customs. Industrial emissions from one country do not respect borders. To be sure, there will undoubtedly be occasions when unilateral action is warranted or necessary. Yet joint efforts need to be the norm, not the exception, if we are to successfully address the transnational challenges that define this era. For this reason, the U.S. approach to China seeks to capture the opportunities presented by the absence of great power conflict. President Bush himself put this best in his speech at West Point last June: “We have our best chance since the rise of the nation-state in the 17th century to build a world where the great powers compete in peace instead of preparing for war.” The 20th century was marked by struggles among great powers. But there is no reason why the 21st century should bear the same stamp. We can turn our efforts from containment and confrontation to consultation and cooperation. We can move and in fact are moving from a defensive balance of power to a pooling of power to meet the challenges and seize the opportunities of the new century.

#### US China cooperation is key to solve global warming

Chandler 8

William Chandler , Senior Associate, Carnegie Endowment for International Peace, March 2008, Breaking the Suicide Pact: U.S.-China Cooperation on Climate Change

The United States and China must make accommodations to curb greenhouse gas emissions if both countries are to break their “suicide pact” of self-destructive, energy-using behavior. Together they produce 40 percent of global greenhouse gas emissions, yet both countries demand that the other take responsibility for climate change, meanwhile the threat of environmental disaster grows. For the first time, China is considering an emissions target while half of U.S. states have set their own targets—the time for a deal is now. In Breaking the Suicide Pact: U.S.-China Cooperation on Climate Change, William Chandler, director of the Carnegie Energy and Climate Program, identifies practical, non treaty-based approaches both countries could take to cut their carbon dioxide emissions across economic sectors—with little financial impact. He argues that China and the United States should work together to set individual, national goals and achieve them through domestically enforceable measures and international agreements that prevent either nation from taking advantage of steps taken by the other. Key Recommendations for U.S.-China Cooperation: Eliminate subsidies that discourage energy efficiency. Provide tax breaks for investment in efficiency and low-carbon energy and impose tax penalties on high-carbon energy. Make climate cooperation integral to trade policy, such as jointly setting production standards to limit the energy used to manufacture exports. Create partnerships between Chinese provincial officials and leaders in U.S. states on the forefront of climate change prevention to improve implementation of innovative energy policies. Promote market penetration of existing carbon emission reduction technologies and encourage development of new technologies by linking American laboratories more closely to Chinese markets to share research and development costs. Encourage banks in China to remove the regulatory cap on interest rates for energy-efficiency investments. “U.S.–China collaboration poses no threat to the climate leadership of any region or nation or to global cooperation. It is a complement, not a challenge, to existing and planned emissions cap and trade systems. This act of mutual self-preservation would help the United States and China to avert climate disaster and the eventual sanctions of other nations if they do not act, and lay the groundwork for successful global action,” concludes Chandler.

### Impact Overview

#### Any confrontation can spark a war – escalation is fast, imminent and probable

Goldstein 13

Avery Goldstein, David M. Knott Professor of Global Politics and International Relations at UPenn, research focuses on international relations, security studies, and Chinese politics, Senior Fellow at the Foreign Policy Research Institute in Philadelphia, Foreign Affairs, September/October 2013 Issue, “China’s Real and Present Danger: Now Is the Time for Washington to Worry, ” http://www.foreignaffairs.com/articles/139651/avery-goldstein/chinas-real-and-present-danger?cid=nlc-this\_week\_on\_foreign\_affairs-101013-chinas\_real\_and\_present\_danger\_4-101013&sp\_mid=43534099&sp\_rid=amFja2llY2hlbjEzQGdtYWlsLmNvbQS2 //jchen

Much of the debate about China’s rise in recent years has focused on the potential dangers China could pose as an eventual peer competitor to the United States bent on challenging the existing international order. But another issue is far more pressing. For at least the next decade, while China remains relatively weak compared to the United States, there is a real danger that Beijing and Washington will find themselves in a crisis that could quickly escalate to military conflict. Unlike a long-term great-power strategic rivalry that might or might not develop down the road, the danger of a crisis involving the two nuclear-armed countries is a tangible, near-term concern -- and the events of the past few years suggest the risk might be increasing.

Since the end of the Cold War, Beijing and Washington have managed to avoid perilous showdowns on several occasions: in 1995–96, when the United States responded to Chinese missile tests intended to warn Taiwanese voters about the danger of pushing for independence; in 1999, when U.S. warplanes accidentally bombed the Chinese embassy in Belgrade during the NATO air assault on Serbia; and in 2001, when a U.S. spy plane collided with a Chinese fighter jet, leading to the death of the Chinese pilot and Beijing’s detention of the U.S. plane and crew. But the lack of serious escalation during those episodes should not breed complacency. None of them met the definition of a genuine crisis: a confrontation that threatens vital interests on both sides and thus sharply increases the risk of war. If Beijing and Washington were to find themselves in that sort of showdown in the near future, they would both have strong incentives to resort to force. Moreover, the temptations and pressures to escalate would likely be highest in the early stages of the face-off, making it harder for diplomacy to prevent war.

THIN RED LINES

It might seem that the prospects for a crisis of this sort in U.S.-Chinese relations have diminished in recent years as tensions over Taiwan have cooled, defusing the powder keg that has driven much Chinese and U.S. military planning in East Asia since the mid-1990s. But other potential flash points have emerged. As China and its neighbors squabble over islands and maritime rights in the East China and South China seas, the United States has reiterated its treaty commitments to defend two of the countries that are contesting China’s claims (Japan and the Philippines) and has nurtured increasingly close ties with a third (Vietnam). Moreover, the Obama administration’s “pivot,” or “rebalancing,” to Asia, a diplomatic turn matched by planned military redeployments, has signaled that Washington is prepared to get involved in the event of a regional conflict.

China might be less cautious about triggering a crisis -- and less cautious about firing the first shot if a crisis ensued.

Also, the United States insists that international law affords it freedom of navigation in international waters and airspace, defined as lying beyond a country’s 12-mile territorial limit. China, by contrast, asserts that other countries’ military vessels and aircraft are not free to enter its roughly 200-mile-wide “exclusive economic zone” without express permission -- a prohibition that, given Beijing’s territorial claims, could place much of the South China Sea and the airspace above it off-limits to U.S. military ships and planes. Disputes over freedom of navigation have already caused confrontations between China and the United States, and they remain a possible trigger for a serious crisis.

It is true that China and the United States are not currently adversaries -- certainly not in the way that the Soviet Union and the United States were during the Cold War. But the risk of a U.S.-Chinese crisis might actually be greater than it would be if Beijing and Washington were locked in a zero-sum, life-and-death struggle. As armed adversaries on hair-trigger alert, the Soviet Union and the United States understood that their fundamentally opposed interests might bring about a war. After going through several nerve-racking confrontations over Berlin and Cuba, they gained an understanding of each other’s vital interests -- not to be challenged without risking a crisis -- and developed mechanisms to avoid escalation. China and the United States have yet to reach a similar shared understanding about vital interests or to develop reliable means for crisis management.

#### It’s the biggest impact – outweighs all other scenarios

Washington Times 11

Eli Lake staff writer, article is about James Clapper Director of National Intelligence, 3/10/11, “China deemed biggest threat to U.S.: Russia second, DNI chief says”, <http://www.washingtontimes.com/news/2011/mar/10/china-deemed-biggest-threat-to-us/?page=all> //jchen

China’s nuclear arsenal poses the most serious “mortal threat” to the United States among nation states, Director of National Intelligence James Clapper told the Senate on Thursday.

In candid testimony before the Senate Armed Services Committee, Mr. Clapper said he considered China the most significant threat among nation states, with Russia posing the second-greatest threat. He later clarified the comments by saying he did not assess that China or Russia had the intention to launch an attack on the United States.

The testimony contrasts with statements by Obama administration officials who have sought to highlight the dangers of Iran and North Korea while paying less attention to China and Russia.

Mr. Clapper said he does not assess that North Korea and Iran pose greater strategic threats because they lack the forces that Russia and China have that could deliver a nuclear attack on the United States.

North Korea has tested at least twice a multistaged long-range missile capable of hitting the United States. On Tuesday, Sen. James M. Inhofe, Oklahoma Republican, told a conference in Washington that analysts estimate that Iran would be able to deliver a payload by missile to the U.S. East Coast by 2015.

Asked by Sen. Joe Manchin III, West Virginia Democrat, what country he viewed as the greatest adversary of the United States, Mr. Clapper said: “Probably China, if the question is pick one nation state.”

He added, “We have a treaty, the New START treaty, with the Russians. I guess I would rank them a little lower because we don’t have such a treaty with the Chinese.”

China, according to successive Pentagon reports to Congress, is building up its strategic nuclear forces and has spurned offers from the administration to begin talks on nuclear arms, missile defenses, space and cyberweapons, as well as an international agreement to limit the production of fissile material.

#### Miscalculation likely – ambiguous redlines make the situation more dangerous than the Cold War

Goldstein 13

Avery Goldstein, David M. Knott Professor of Global Politics and International Relations at UPenn, research focuses on international relations, security studies, and Chinese politics, Senior Fellow at the Foreign Policy Research Institute in Philadelphia, Foreign Affairs, September/October 2013 Issue, “China’s Real and Present Danger: Now Is the Time for Washington to Worry, ” http://www.foreignaffairs.com/articles/139651/avery-goldstein/chinas-real-and-present-danger?cid=nlc-this\_week\_on\_foreign\_affairs-101013-chinas\_real\_and\_present\_danger\_4-101013&sp\_mid=43534099&sp\_rid=amFja2llY2hlbjEzQGdtYWlsLmNvbQS2 //jchen

Neither China nor the United States has clearly defined its vital interests across broad areas of the western Pacific. In recent years, China has issued various unofficial statements about its “core interests” that have sometimes gone beyond simply ensuring the territorial and political integrity of the mainland and its claim to sovereignty over Taiwan. Beijing has suggested, for example, that it might consider the disputed areas of the East China and South China seas to be core interests.

Washington has also been vague about what it sees as its vital interests in the region. The United States hedges on the question of whether Taiwan falls under a U.S. security umbrella. And the United States’ stance on the maritime disputes involving China and its neighbors is somewhat confusing: Washington has remained neutral on the rival sovereignty claims and insisted that the disputes be resolved peacefully but has also reaffirmed its commitment to stand by its allies in the event that a conflict erupts. Such Chinese and U.S. ambiguity about the “redlines” that cannot be crossed without risking conflict increases the chances that either side could take steps that it believes are safe but that turn out to be unexpectedly provocative.

MORE DANGEROUS THAN THE COLD WAR?

Uncertainty about what could lead either Beijing or Washington to risk war makes a crisis far more likely, since neither side knows when, where, or just how hard it can push without the other side pushing back. This situation bears some resemblance to that of the early Cold War, when it took a number of serious crises for the two sides to feel each other out and learn the rules of the road. But today’s environment might be even more dangerous.

### A2 Relations Resilient

#### Strategic distrust will undermine cooperation. Lack of dialogue guarantees nuclear escalation

Kulacki 12

Gregory Kulacki, senior analyst and China project manager in the Global Security Program at the Union of Concerned Scientists (UCS). He is a respected expert on international educational exchanges with the People's Republic of China. Dr. Kulacki lived and worked in China for more than twelve years developing and administering a wide variety of exchange programs between China and the United States. Prior to joining UCS in 2002 he served as the director of Academic Programs in China for the Council on International Educational Exchange, as an associate professor and the director of the Sino-American Center for Environmental Education at Green Mountain College, and most recently as the director of External Studies for Pitzer College, where he established a ground-breaking program in Chinese Media Studies in cooperation with Peking University, China project manager and Senior Analyst, Union of Concerned Scientists, Huffington Post, “The Risk of Nuclear War with China”, http://www.huffingtonpost.com/gregory-kulacki/the-risk-of-nuclear-war-w\_b\_1903336.html //jchen

It is disturbing, therefore, that both the United States and China have failed to find a productive way to discuss the risks of nuclear war, much less begin to take steps to mitigate those risks. The Chinese government appears trapped in a psychology of political and military insecurity that fosters a strategic dependency on secrecy and deception as its "trump card" in a potential conflict with the United States. The U.S. government, as Jeffrey Lewis points out in a recent essay in Foreign Policy, is held captive by "the illusion of the winning move" that "holds out the prospect of fighting and winning a nuclear war against China." U.S. unwillingness to admit it is vulnerable to a Chinese nuclear attack is driving a slow motion arms race, reminiscent of the Cold War, where each new U.S. effort to find the winning move is checked by the latest Chinese advance in military technology.

On the edges of the official competition, misanthropes in both nations spread sensational and frightening disinformation that poisons public discussion, making steps towards dialog and cooperation more difficult for political leaders to take. In the face of growing strategic distrust, neither government seems willing to accept the risks for peace that are necessary to minimize the risks of war, which, while still small, continue to grow.

#### Economic decoupling now – diverging interests breed conflict

Leonard 13

Mark Leonard, director of the European Council on Foreign Relations and a Bosch public policy fellow at the Transatlantic Academy, Director of The Foreign Policy Centre and one of Britain's leading foreign policy thinkers, Foreign Affairs 92.5, Sep/Oct 2013, 125-135, “Why Convergence Breeds Conflict: Growing More Similar Will Push China and the United States Apart” //jchen

TRADING PLACES

The financial crisis of 2008 brought the Chimerican era to an end. Sobered by their mutual vulnerability to the systemic failures that led to the crisis, Beijing and Washington vowed to rebalance their economic relationship, which both felt had become unhealthy. But as they retooled their domestic and foreign policies to adapt to the suddenly fragile global economy, they began to mirror each other in ways that encouraged more competition than complementarity.

In the economic realm, China is now moving away from its long reliance on exports and trying to stimulate domestic consumption and develop a domestic service economy. Meanwhile, the United States is bolstering its manufacturing sector, in part by promoting a cheap dollar through quantitative easing and subsidizing the automotive sector, and encouraging export-led growth through a new generation of trade deals with rich countries, including Japan and the eu states.

Chinese efforts to move up the value chain and American attempts to reindustrialize will lead the two countries to compete more directly, as each moves closer to the other's traditional modes of production and consumption. For example, China no longer wants to supply the cheap parts inside an iPhone only to watch the biggest profits accrue to a U.S. company. Instead, China is encouraging Chinese firms to take their cues from Huawei, the Guangdong-based firm that has been extremely successful selling smartphones that mimic the iPhone but whose profits stay in China.

### Output Legitimacy

#### Output legitimacy is key to overall legitimacy – policy failure on China will undermine credibility

Dunoff and Pollack 12

Jeffrey L. Dunoff, Laura H. Carnell Professor of Law at Temple University Beasley School of Law, Mark A. Pollack, Professor and Jean Monnet Chair in the Department of Political Science at Temple University, “Interdisciplinary Perspectives on International Law and International Relations: The State of the Art”, 12/24/12,

In the middle space between global democracy on the one hand and the state system on the other, authors have advanced a wide array of procedural and substantive factors that arguably contribute to normative legitimacy. Political scientists typically classify these factors in terms of whether they contribute to input-or output-based legitimacy, to use the terminology originated by Fritz Scharpf (1997, 1999). Input-based legitimacy derives from the process by which decisions are made, including factors such as transparency, participation, and representation. Does a decision result from a democratic process, for example? Was there sufficient participation by civil society? Did it involve adequate deliberation? In contrast, output-based legitimacy derives from the results of governance. Does a regime solve problems effectively? Does it reach equitable outcomes? Is it stable? Does it respect human rights?

Perhaps because they are ostensibly concerned with descriptive rather than normative legitimacy, few international lawyers or political scientists delve deeply into moral or legal theory in discussing the issue of legitimacy. Habermas' theory of discursive legitimation is perhaps the most prominent input-based normative theory (Steffek 2003), whereas Raz's "service conception of authority" (1986) sets forth the basic logical structure of instrumental, output-based accounts of normative legitimacy.

Instead of focusing on these general theories, political scientists and international lawyers tend to take a more ad hoc approach to normative legitimacy. For example, Allen Buchanan and Robert Keohane (2006) put forward what they call a "complex standard of legitimacy," which combines a wide variety of factors, including substantive (output-based) elements such as minimal moral acceptability and comparative benefit, procedural (input-based) elements such as transparency and institutional integrity (i.e., conformity with an institution's own procedures), as well as a variety of factors that are more difficult to classify, such as channels of accountability to civil society, ongoing consent by democratic states, and various "epistemic virtues."

### 2NC Link Wall

#### Obama won’t pressure China until he closes Guantanamo

Kessler 10

Glenn Kessler, chief State Department reporter for nine years, traveling around the world with three different Secretaries of State, veteran diplomatic correspondent, Washington Post, 7/22/10, “Clinton, Gates offer distinct messages on human rights in Asia,” http://voices.washingtonpost.com/checkpoint-washington/2010/07/perhaps\_it\_is\_a\_coincidence.html atw

Clinton, on her first overseas trip, caused waves when she said promotion of human rights in China would have to take a back seat issues such as climate change and the financial crisis. Administration officials at the time said the White House was taking a more subtle approach on human rights, first seeking to **reestablish U.S. credibility by pledging to close the detention center at Guantanamo Bay,** Cuba, and then working behind the scenes to advance change overseas.

#### Obama’s ignoring human rights with China now – he doesn’t think he has the moral authority

Roth 10

Kenneth Roth, Foreign Affairs, Executive Director of Human Rights Watch, “Empty Promises: Obama's Hesitant Embrace of Human Rights”, 89 Foreign Aff. 10 2010 //jchen

Similarly, in China, Obama followed in the footsteps of successive U.S. presidents by downplaying the importance of human rights in favor of promoting trade, economic ties, and diplomatic cooperation. Before a handpicked audience of "future Chinese leaders" in Shanghai, he spoke of the United States' journey up from slavery and the struggles for women's and workers' rights, making clear that the United States, too, has a far-from-perfect human rights record. He affirmed the United States' bedrock belief "that all men and women are created equal, and possess certain fundamental rights." However, in a question-and-answer session, he seemed to suggest that China's draconian "great firewall" on the Internet was a reflection of different "traditions," rather than demanding that itbe torn down. That remark led to a storm of criticism from Chinese bloggers, and Obama left the country appearing to be in thrall to Chinese economic power and barely interested in risking anything to protect the rights of the 1.3 billion Chinese still living under a dictatorship. In a speech at Georgetown University a few weeks later, Secretary of State Hillary Clinton justified this approach as "principled pragmatism," and administration officials have spoken privately of building up political capital to press China on human rights in the future. But there is no such pressure today. From Clinton's February 2009 statement that human rights "can't interfere" with other U.S. interests in China to Obama's refusal to meet with the Dalai Lama in October, Washington has consistently failed to confront China's authoritarian rulers on questions of religious and political freedom.

#### Guantanamo undermining credibility – prevents us from criticizing others

The Guardian (London) 2005

1/14, “Bush under fire over human rights: Watchdog says US setting bad example,” lexis>

The torture and degrading treatment of prisoners in Iraq, Afghanistan, and Guantanamo Bay have undermined the credibility of the US as a defender of human rights and opponent of terrorism, the New York-based Human Rights Watch says in its annual report.  
"The US government is less and less able to push for justice abroad because it is unwilling to see justice done at home**,**" says Kenneth Roth, the group's executive director.  
The report comes as the Bush administration prepares for inauguration next week. The administration has shown little interest in moderating its aggressive approach to its "global war on terror".   
Yesterday's scathing report argues that the US has weakened its own moral authority at a time that authority is most needed, "in the midst of a seeming epidemic of suicide bombings, beheadings, and other attacks on civilians and noncombatants."

#### Obama thinks it’s important

Verma 13

Neha Verma, 5/23/13, “FROM HUNGER STRIKE TO GLOBAL PROTEST: WHAT WILL IT TAKE FOR OBAMA TO CLOSE GUANTANAMO BAY?”, http://campusblueprint.com/2013/05/23/from-hunger-strike-to-global-protest-what-will-it-take-for-obama-to-close-guantanamo-bay/ //jchen

In the days leading up to Obama’s first election, he said “our legitimacy is reduced when we’ve got a Guantanamo that is open, when we suspend habeas corpus – those kinds of things erode our moral claims that we are acting on behalf of broader universal principles.” Following the election, he described his plan to close Guantanamo as “an effort to regain America’s moral stature in the world.”

#### Hypocritical counterterrorism policy undermines American willingness to criticize China

deLisle 10

Jacques deLisle, Stephen A. Cozen Professor of Law, Professor of Political Science, and Director of the Center for East Asian Studies, University of Pennsylvania, “Security First? Patterns and Lessons from China's Use of Law To Address National Security Threats”, 4 J. Nat'l Sec. L. & Pol'y 397 2010 //jchen

Asserting before foreign audiences that China's domestic enemies or targets of repression are terrorists - and, indeed, international terrorists - is a PRC tactic of long standing, but it became newly prominent, specific, and potent after 9/11. PRC sources have branded Uighur and Tibetan groups that participated in uprisings since the early 2000s as terrorists. By doing so, they have sought, with some success, to lump them with groups whose actions foreign governments and international bodies have deemed appropriate causes for legal changes that reduce or bypass ordinary limits on state power. In 2008, PRC sources strove to tie an alleged attack by Uighur militants on a paramilitary police station in remote Kashgar to the broader international security concern at that moment: the then-upcoming Beijing Olympics. Two years later, this strategy of asserting a common risk

shared by China and its frequent critics gained a boost when three members 67 of a pro-Uighur separatist group were arrested for bomb plots in Europe. This line of argument went further still when PRC authorities and official spokesmen asserted that dissident Muslim groups in Xinjiang had cross- border ties to international terrorism, including al Qaeda. 8 In part based on the alleged al Qaeda links, the PRC pressed strongly and successfully after 9/11 to have the East Turkistan Islamic Movement labeled a terrorist organization by the United Nations and the United States. The PRC unilaterally formally so labeled several other Uighur groups. Such moves have been controversial. Especially abroad, they have fueled disputes about whether some of the targeted groups are terrorist, still active, distinct from one another, or ever existed.69

Internationally, this tactic promised benefits for Chinese authorities. Legal changes that the United States and others have defended as necessary means for fighting terrorism and preserving national security, as well as anti-terrorism excesses committed by the United State, or transgressions of international and domestic legal limits that the United States has condoned have created significant "glass house" problems for some hitherto hearty foreign government criticisms of China. Such developments have undermined the force of foreign condemnations of China's illiberal or repressive laws and actions. This has given China more room to claim that its laws and actions are justified by exigencies comparable to those faced in the post-9/11 West and elsewhere.70 As quasi-official and sympathetic PRC commentators put it in the context of debates over China's emergency powers legislation, all countries have such laws, and China need be no exception. Chinese sources have even portrayed China's adoption of anti- terrorism and emergency powers laws as examples of legal learning from abroad.'

#### The plan builds ‘moral capital’ – that enables more aggressive diplomacy

Rapkin and Braaten 09

DAVID P. RAPKIN AND DAN BRAATEN, David Rapkin is Associate Professor at University of Nebraska, Political Science, Dan Braate, “Conceptualising hegemonic legitimacy”, Review of International Studies (2009), 35, 113–149 //jchen

Once we are open to the idea of multiple connotations that are substitutable for one another, that is, can be added or subtracted, the concept becomes applicable to a wider range of real world situations. Furthermore, the FRC approach allows examination of the interrelationships among the different dimensions: what are the tradeoffs between them? Can strong standing in one dimension of legitimacy (say, shared values) offset or compensate for weak or nonexistent status in another (procedural legitimacy). A successful track record of positive global outcomes (for instance, provision of global public goods) might incline others to overlook shortfalls in open decision-making.

Also, hegemons may build up over time a stock of legitimacy (as a kind of political or moral capital) that then can be drawn upon to maintain their legitimate status through a series of unpopular actions that others might regard as illegitimate. And, if legitimacy is thought of as a stock that can be conserved, expended or depleted, then it is also possible to think of it as a variable property across time and space. ‘Legitimacy is not an all or nothing affair . . . [I]t may be eroded, contested or incomplete; and judgments about it are usually judgments of degree, rather than all or nothing’.85 In Haass’ terms: ‘ ‘‘Legitimacy’’ need not be understood as an absolute. It is as much about perception as it is a legal concept. It is also possible to be partly legitimate (or less than fully legitimate) and not be illegitimate’.86

#### China perceives human rights pressure as a violation of its sovereignty and U.S. hegemonic expansion

Zhou 05

Qi Zhou, Professor and Director of the American Politics Section of the Institute of American Studies at the Chinese Academy of Social Sciences in Beijing, studying in the Ph.D. program of The Johns Hopkins School of Advanced International Studies, Human Rights Quarterly 27 (2005) 105-124 //jchen

VI. THE SUPREMACYOF SOVEREIGNTYTO HUMAN RIGHTS

With regard to the issue of national sovereignty and its relation to human rights, both the Chinese government and the people believe that human rights are within China's own jurisdiction of sovereignty and that other countries have no right to interfere. China has always condemned the US government for intervening in its internal affairs and for ignoring its national sovereignty when the latter has pressured the former to improve its human rights record. Though most Chinese citizens believe there is much to be done to improve their country's human rights, they also agree that it is not the business of the United States or other Western countries to interfere. There is evidence that anyone in China who appeals to Western countries for aid to go toward democratization efforts or the advancement of human rights will be treated with disdain by his fellow Chinese citizens.

Here, then, is another relevant question: Do the Chinese have a stronger conception of sovereignty than Westerners? And if so, why? The issue of whether human rights or sovereignty is supreme is a heated topic of debate in the international forum. This is especially true in the post Cold War era because of the frequent humanitarian interventions sponsored by the United Nations or other international organizations. However, the idea that human rights are supreme to national sovereignty is rarely heard in China. Only on exceptional occasions do real discussions regarding this subject occur. For example, a young scholar argues, "the western model of human rights is not the universal standard. But the differences between the East and the West should not obstruct the formation of a common ideal of human rights among different peoples."58 Nevertheless, this kind of statement by no means reflects the mainstream opinion regarding the relation ship between human rights and sovereignty in China. The Chinese maintain a steadfast belief in sovereignty.

Ina paper presented to an academic conference in China in 2000, one young author strongly argued that sovereignty is supreme over human rights. The argument insists that sovereignty is sacred and inviolable and absolutely supreme to human rights. She asserts that some Western scholars assume that "in the contemporary world, the concept of sovereignty has changed in nature, but this assumption is wrong." She continues, The notion of supremacy of sovereignty to human rights is a new instrument used by the US in the battle of western countries, with the US in the lead, against the socialist and developing countries…Under the banner of human rights, what the US is actually doing is to intervene in the domestic affairs of other countries, in order to maintain and expand its hegemony.

## Case

#### No threatening programs and current defenses solve.

Orent 9 [Wendy, Ph.D. in anthropology from the University of Michigan, leading freelance science writer, and author of Plague: The Mysterious Past and Terrifying Future of the World's Most Dangerous Disease, "America's Bioterror Bugaboo." Los Angeles Times (Los Angeles, CA) 17 Jul 2009: A.29. SIRS Researcher. Web. 29 January 2010]

After the anthrax letter attacks of October 2001, the Bush administration pledged $57 billion to keep the nation safe from bioterror. Since then, the government has created a vast network of laboratories and institutions to track down and block **every remotely conceivable** form of bioterror threat. The Obama administration seems committed to continuing the biodefense push, having just appointed a zealous bioterror researcher as undersecretary of science and technology in the Department of Homeland Security. But is the threat really as great as we've been led to believe? Last summer, the FBI concluded that the anthrax letters that killed five Americans came not from abroad but from an American laboratory, the United States Army Medical Research Institute of Infectious Diseases. Meanwhile, the Russian bioweapons program was officially shut down in 1992, and it's unlikely that anything remaining of it could pose much of a threat. Iraq, it has turned out, had no active program. And Al Qaeda's rudimentary explorations were interrupted, according to an Army War College report, by the U.S. invasion of Afghanistan.

#### Heg sustainable - hard power

Bremmer 10 [Ian, president of Eurasia Group and author of “The End of the Free Market” (Portfolio), published in May, China vs America: fight of the century22nd March 2010 — Issue 169, http://www.prospectmagazine.co.uk/2010/03/china-vs-america-fight-of-the-century/]

It is also important for the US government and American companies to invest in those areas where their comparative advantage is most likely to endure. For Washington, that means maintaining US “hard power” advantages. Soft power helped America survive the cold war, and continues to play a crucial role in extending US influence. But over the next several years, **hard power will ensure** that **the US remains indispensable** for global political and economic stability. The US now spends more on its military capacity than **all potential competitors combined**. It outspends China by about eight to one. Even if defence spending were significantly reduced, the US will hold a dominant military position **for the foreseeable future,** because it will be **decades** before any rival will **prove both willing and able** to accept the burdens that come with global leadership. China will continue to expand its influence, particularly within Asia. But it makes little sense for a still developing nation to challenge US hard power outside its immediate neighbourhood—particularly when China’s state-owned oil companies will rely for several decades on oil and gas supplies from unstable parts of the world such as the middle east, the Caspian sea basin and west Africa. In addition, the presence of US troops in Japan and South Korea limits the risk of an Asian arms race. That saves China, Japan, South Korea and India a great deal of money.

#### Worst climate impacts take decades to arrive and don’t assume adaptation

Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf

The heart of the debate about climate change comes from numerous warnings from scientists and others that give the impression that human- induced climate change is an immediate threat to society (IPCC 2007a, 2007c; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007a), crop production might fall in the low latitudes (IPCC 2007a), water supplies might dwindle (IPCC 2007a), precipitation might fall in arid regions (IPCC 2007a), extreme events will grow exponentially (Stern 2006), and between 20 and 30 percent of species will risk extinction (IPCC 2007a). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets, causing severe sea-level rise, which would inundate hundreds of millions of people (Dasgupta and others 2009). Proponents argue that there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well-being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic conse- quences. The science and economics of climate change are quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two, accord- ing to Stern 2006) of no mitigation. Many of the predicted impacts assume that there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold, and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long-range climate risks. What is needed are long-run balanced responses.

#### No extinction – low virulence evolution.

WSJ 13 [Matt Ridley, British scientist and journalist who wrote several popular science books. He is also a businessman and a member of the House of Lords. MIND AND MATTERMay 10, 2013, 8:26 p.m. ETNew Flu Bugs: Too Lethal For a Pandemic? By MATT RIDLEY - Columnist's name, http://online.wsj.com/article/SB10001424127887324326504578465190856177354.html]

Here we go again. A new bird-flu virus in China, the H7N9 strain, is spreading alarm. It has infected about 130 people and killed more than 30. Every time this happens, some journalists compete to foment fear, ably assisted by cautious but worried scientists, and then tell the world to keep calm. We need a new way to talk about the risk of a flu pandemic, because the overwhelming probability is that this virus will kill people, yes, but not in vast numbers. In recent years flu has always proved **vastly less perilous than feared.** In 1976 more people may have died from bad reactions to swine-flu vaccine than from swine flu. Since 2005, H5N1 bird flu has killed 374 people, not the two million to 7.4 million deemed possible by the World Health Organization. In 2009, H1N1 Mexican swine flu proved to be a normal flu episode despite apocalyptic forecasts. No doubt some readers will remind me that, in the story of the boy who cried "Wolf!", there eventually was a wolf. And that in 1918 maybe 50 million people died of influenza world-wide. So we should always worry a bit. But perhaps it's not just luck that has made every flu pandemic since then mild; it may be **evolutionary logic**. The new virus is said to need just five mutations to turn it into a human-to-human pathogen, two of which have already happened. But evolution is not just about mutation; it is also about **selection.** Assuming that a virus acquires the capacity to spread from person to person, will its virulence rise or fall as it spreads? As Maciej Boni of Oxford University and his colleagues argue in a new paper, this is an evolutionary question, because the change will come about through the relative success of different genetic strains. Imagine you are a flu virus. Your job is to see your progeny—copies of your genome—safely into as many new people as possible. There's competition from other mutant versions. Would you rather have your victim lying on his deathbed or out and about meeting people, albeit with a headache and a cough? In casual-contact diseases, there is a general tendency for virulence to decline. Colds are caused by hundreds of kinds of virus, none of which has ever been seriously lethal. Mosquito-borne diseases, by contrast, benefit from making their victims so ill that they lie still in darkened rooms perspiring and attracting insects. Why was flu so lethal in 1918? Perhaps the peculiarly crowded and intimate conditions of the trenches and field hospitals of World War I suited a high-virulence flu, though nobody can be sure. Jeffery Taubenberger of the Armed Forces Institute in Rockville, Md., and David Morens of the National Institutes of Health in Bethesda argued in a recent paper that the virus was essentially novel and that all subsequent flu pandemics consist of its low-virulence genetic descendants, sometimes with added genes from other strains. It was indeed "the mother of all pandemics." Calculations by Dr. Boni and his colleagues show that with 60% mortality, H5N1 bird flu is still four times too lethal to be able to spread within a human population. In captive ferrets (the experimental animal of choice for flu research) it is rapidly evolving toward lower virulence. Ironically, the most worrying sign for a bird-flu pandemic would be if the virulence dropped significantly—then it could spread. There are signs this might be happening in Egypt. There's no mystery as to why we talk up the risk every time: All the incentives point that way. Who among the headline-seeking journalists, reader-seeking editors, fund-seeking scientists, contract-seeking vaccine makers or rear-end-covering politicians has even a modest incentive to say: "It may not be as bad as all that"?

# 1NR

As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security. It will not be able to depend on unipolar power or airtight borders. It will need, above all else, authority and respect as a global leader. The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.

#### The president will circumvent the aff

Gregory McNeal 08, Visiting Assistant Professor of Law, Pennsylvania State University Dickinson School of Law. The author previously served as an academic consultant to the former Chief Prosecutor, Department of Defense Office of Military Commissions, “ARTICLE: BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” August 08, 103 Nw. U. L. Rev. Colloquy 29

3. Executive Forum-Discretion--Any reform which allows for adjudication of guilt in different forums, each with differing procedural protections, raises serious questions of legitimacy and also incentivizes the Executive to use "lesser" forms of justice--nonprosecution or prosecutions by military commission. In this section, my focus is on the incentives which compel the Executive to not prosecute, or to prosecute in military commissions rather than Article III courts. Understanding the reason for these discretionary decisions will guide reformers pondering whether a new system will actually be used by the next President.¶ There are two primary concerns that executive actors face when selecting a forum: protecting intelligence and ensuring trial outcomes. Executive forum-discretion is a different form of prosecutorial discretion with a different balancing inquiry from the one engaged in by courts. Where prosecutorial discretion largely deals with the charges a defendant will face, executive forum-discretion impacts the procedural protections a defendant can expect at both the pretrial and trial phase. Where balancing by Courts largely focuses on ensuring a just outcome which protects rights, the balancing engaged in by executive actors has inwardly directed objectives [\*50] which value rights only to the degree they impact the Executive's self interest.¶Given the unique implications flowing from forum determinations, reformers can benefit from understanding why an executive actor chooses one trial forum over another. I contend that there are seven predictive factors that influence executive discretion; national security court reformers should be aware of at least the two most salient predictive factors: trial outcomes and protection of intelligence equities. n112 The Executive's balancing of factors yields outcomes with direct implications for fundamental notions of due process and substantial justice. Any proposed reform is incomplete without thoroughly addressing the factors that the Executive balances.

#### US support for UN Resolution creates an international norm preventing bioweapons attacks and promoting preparedness

Gronvall 9 [a Senior Associate at the Center for Biosecurity of UPMC and an Assistant Professor of Medicine at the University of Pittsburgh member of the Council on Foreign Relations and also serves on the American Association for the Advancement of Science (AAAS) Committee on Scientific Freedom and Responsibility Gigi Kwik, “PREVENTING THE DEVELOPMENT AND USE OF BIOLOGICAL WEAPONS,<http://www.liebertonline.com/doi/pdf/10.1089/bsp.2009.1003>

The U.S. should strongly support the Biological Weapons Convention and other international treaties that prevent terrorism. The cornerstone of biological nonproliferation strategies is the Biological Weapons Convention (BWC)—the first agreement among nations that declared an entire category of weapons to be off-limits. The moral force of the treaty has not prevented all of its signatories from developing biological weapons: for example, the Soviet Union, a signatory to the Convention, established an enormous secret bioweapons program during the Cold War, and there are some current signatories to the BWC that the U.S. government judges to have an offensive biological weapons program. However, it is worth noting that no country openly goes against the international norm and displays an offensive biological weapons capability. This prohibition against biological weapons development should continue to be strengthened with vigorous U.S. support to promote universal adoption of the treaty and with implementation support to other signatories. Other international agreements intended to prevent terrorism, such as UN Resolution 1540, and measures such as the International Health Regulations (IHR) that seek to limit the medical consequences of an epidemic, also should be actively promoted by the U.S. government. The U.S. should work with these international regimes to bolster biosurveillance, forensics, training, and biosafety—all measures that could lessen the likelihood of biological weapons development and use.

#### Failure to get a deal turns the aff—it’s the biggest internal link to credibility

Inbar 11/2 [Prof. Efraim Inbar, director of the Begin-Sadat Center for Strategic Studies, is a professor of political studies at Bar-Ilan University and a fellow at the Middle East Forum, "Op-Ed: Washington Must Strike Iran, Not Bargain With It" http://www.israelnationalnews.com/Articles/Article.aspx/14050~~23.UoawzPmsiSp]

Finally, Iran is the supreme test of American credibility in world affairs. After saying so many times that a nuclear Iran is unacceptable, allowing the radical regime of the mullahs to acquire a nuclear bomb or develop a nuclear break-out capability will be a devastating blow to American prestige. Today the U.S. is probably at its lowest ebb in the region. Friends and foes alike are bewildered by the policies of the Obama administration, seeing an extremely weak president who seems to be clueless about Middle East international politics. The American willingness to allow Iran enrichment capabilities and readiness to strike a bargain with Tehran is mind-boggling in this part of the world.

#### Nuclear terrorism is feasible---high risk of theft and attacks escalate

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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.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Court trials hamstring the executive—triggers the link

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Empirically, judicial demands on executive branch procedural compliance, if unchecked, become steadily more demanding over time. The executive naturally responds by being more internally exacting to avoid problems. Progressively, executive compliance, initially framed and understood as a reasonably modest set of burdens to promote the integrity of judicial proceedings, becomes instead a consuming priority and expenditure, which, if permitted in the context of warfare, would inevitably detract from the military mission that is the bedrock of our national security. ¶ In the fore here, plainly, are such matters as discovery and confrontation rights. If the courts were given final authority, while hostilities are ongoing, to second-guess the executive’s decision to detain a combatant by scrutinizing reports that summarize the basis for detention, it is only a short leap to the court’s asking follow-up questions or determining that testimony, perhaps subject to cross-examination, is appropriate. Are we to make combat personnel available for these proceedings? Shall we take them away from the battle we have sent them to fight so they can justify to the satisfaction of a judge the capture of an alien enemy combatant that has already been approved by military commanders? Given the fog and anxiety of war, shall we expect them to render events as we would an FBI agent describing the circumstances of a domestic arrest? ¶ Nor is that the end of the intractable national security problems. What if capture was effected by our allies rather than our own forces (as was the case, for example, with the jihadist who was the subject of the Hamdi case)? Shall we try to compel affidavits or testimony from members of, say, the Northern Alliance? What kinds of strains will be put on our essential wartime alliances if they are freighted with requests to participate in American legal proceedings, and possibly compromise intelligence methods and sources – all for the purpose of providing heightened due process to the very terrorists who were making war on those allies? ¶ These are lines that Congress must draw. Leaving them for the courts themselves to sort out would place us on a path toward full-blown civilian trials for alien enemy combatants – the very outcome the creation of a new system was intended to avoid.

#### Military detention is key to combating terrorism

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In bringing the conference report to the Senate floor, which all 26 Senate conferees signed, Senator Carl Levin emphasized the depth and breadth of flexibility left to the Executive branch. As he explained, the final bill does not restrain law enforcement agencies from conducting investigations or interrogations. n87 "If and when a determination is made that a suspect is a foreign al-Qaeda terrorist, that person would be slated for transfer to military custody under procedures written by the Executive branch." n88 Importantly, even after transfer "all existing law enforcement tools remain available to the FBI and other law enforcement agencies." n89 Military detention and military commissions trials for foreign al-Qaeda terrorists may enjoy Congressional preference, but are not the only means of dealing with foreign terrorists in what is fundamentally an all-in approach designed to give the Executive primary and residual authorities to deal with a complex threat. A preference for military detention ensures the availability of established tactics, techniques and procedures not necessarily present in the civilian justice system, and is ultimately meant to enhance intelligence gathering and prevent dangerous enemy forces from returning to the fight.

#### The plan is a huge PR victory for Al Qaeda—emboldens them

Aldicott 9 Jeffrey F., Distinguished Professor of Law and the director of the Center for Terrorism Law at St. Mary’s University School of Law; “Addicott: Keep GITMO Open” *Times Free Press*; January 11, 2009; http://www.timesfreepress.com/news/2009/jan/11/addicott-keep-gtimo-open/

The War on Terror demands moral as well as strategic clarity. Accordingly, it is not merely the use of military force against the “Taliban, al-Qa’eda, or associated forces,” identified by the 2006 Military Commissions Act as enemy combatants. This War is also a public relations battle against the unrelenting waves of duplicitous propaganda lodged against almost every aspect of America’s war effort to include attacks on our military commissions’ process and our lawful detention of enemy combatants at Guantanamo Bay Naval Base.¶ If soon to be President Obama “closes down GITMO,” he will be providing a significant propaganda victory to our enemies. Even if Obama is attempting to derail the constant maligning of our detention operations in Guantanamo Bay, he is mistaken in the assumption that closing down the facility will result in a public relations victory.¶ Closing down GITMO would create a public relations disaster that would expend far beyond the logistical problems of what to do with the 80 or so detainees slated for trial by military commissions, the 60 or so detainees that the United States wants to release but can find no nation in the world to take them, and the remaining 110 or so detainees that are deemed to pose a continuing terror threat to America or its allies.¶ The propaganda campaigns against our efforts in GITMO come from our terrorist enemies, but they also come from a variety of ideologues who have never even visited GITMO, or, if they have, are so blinded by a predetermined agenda that they nevertheless call the military commissions process illegal, or accuse our military guards and interrogators of conducting command-directed physical and mental torture.¶ The detention facility may not be “Club GITMO,” as commentator Rush Limbaugh is fond of calling it, but it is a fact that the most professional military on the planet conducts “safe, humane, legal and transparent care and custody of detained enemy combatants” at GITMO.¶ It’s necessary to understand three fundamental and irrefutable facts to truly appreciate what’s happening at GITMO:¶ (1) America is engaged in a real war as authorized by our Congress and President;¶ (2) under the law of war, America has the legal right to detain enemy combatants indefinitely until the war is over; and¶ (3) America has never formulated or practiced a policy that violates the rule of law in the context of interrogation practices against any detainee.¶ Military commissions are authorized by Congress and are perfectly lawful under the law of war. In fact, the rules associated with these military commissions reveal that the accused war criminals at GITMO are provided with more due process rights than allowed for by any military commissions process in the history of military commissions, in the history of warfare. Clearly, the fact that the “media” refused to give more than a passing blink to the recent conviction by military commission of al-Qa’eda enemy combatant al-Bahlul, speaks volumes – the process is valid and working well.¶ As accusations of abuse go, the record is equally clear. Despite the spurious allegations of torture at GITMO by some of the more the 500 detainees who have been released, not one has ever proved credible (not all liars are terrorists but all terrorists are liars).¶ Propaganda plays a pivotal role in determining the ebb and flow of success in the War on Terror. There is no question that America has made errors in judgment that have needed correction. But closing GITMO will not stop the negative distortions leveled against the United States regarding military commissions and detention operations. It will only embolden the false perception that we have somehow been acting in violation of the law of war. In contrast to the closing and demolition of Abu Ghraib as an act of atonement for the crimes of a handful of renegade soldiers, there is absolutely nothing at GITMO that we need to atone for.

#### Plan increases recruitment, shows a lack of resolve

McCarthy 9 Andrew C., columnist, National Review; former Assistant United States Attorney for the Southern District of New York; “Gitmo Does Not Cause Terrorism “ *National Review*; December 17, 2009; http://www.nationalreview.com/articles/228819/gitmo-does-not-cause-terrorism/andrew-c-mccarthy/page/0/1?splash=

After 17 years of attacks, we should have learned the difference between causes of terrorism and pretexts for terrorism. Terrorism is caused, and terrorist recruitment is driven, by Islamist ideology and by American weakness in the face of terror attacks. In that sense, Senator Durbin causes more terrorism than Gitmo ever will. Terrorist organizations are encouraged when they come to believe they can win — when they come to believe they can outlast America because we lack resolve.¶ The Blind Sheikh, echoed by Osama bin Laden, has promised for years that if “battalions of Islam” keep reprising Hezbollah’s 1983 bombing of the Marine barracks in Beirut, and al-Qaeda’s orchestration of the 1993 “Black Hawk Down” incident in Somalia, then the Americans will pack up and go home. The terrorists tell their recruits we’re soft and won’t defend ourselves if it gets ugly. When a U.S. senator takes to the floor of the chamber and compares heroic American troops to Hitler, Stalin, and Pol Pot, he confirms Abdel Rahman and bin Laden’s views. When he suggests that terrorism is somehow caused by locking up terrorists in a secure, offshore military facility, where they can no longer threaten Americans or anyone else, the Islamic world’s fence-sitters start thinking, “The jihadists are right: America doesn’t have the stomach to tough it out. If we just make it bloody enough, we can win.”¶ The only part of Gitmo that causes terrorism is its front gates, when we allow terrorists to walk out of them so they can go back to the battle. Gitmo is a pretext for terrorism. Terrorists use it because, unlike us, they know it’s irresponsible not to study and understand the enemy. They know the Left exercises outsize influence on the media and that the Left’s key characteristic is projection.¶

### A2 Gitmo Increases Resentment/Terrorism

#### Just terrorist lies, the plan increases recruitment

McCarthy 9 Andrew C., columnist, National Review; former Assistant United States Attorney for the Southern District of New York; “Gitmo Does Not Cause Terrorism “ *National Review*; December 17, 2009; http://www.nationalreview.com/articles/228819/gitmo-does-not-cause-terrorism/andrew-c-mccarthy/page/0/1?splash=

A few months later, Abdel Rahman’s always-helpful American lawyers (one of whom has since been convicted of helping him run Gama’at from his U.S. prison cell) issued a statement pressuring U.S. officials to release him. “It sounds,” they wrote, “like the Sheikh’s condition is deteriorating and obviously could be life-threatening.” On cue, Gama’at publicly warned that if any harm were to come to the sheikh, the group would “target . . . all of those Americans who participated in subjecting his life to danger.” The terrorists elaborated that they considered every American official, from Pres. Bill Clinton down to “the despicable jailer,” to be “partners endangering the Sheikh’s life.” The organization promised to do everything in its power to free Abdel Rahman.¶ On Nov. 17, 1997, they made good on the promise. As 58 foreign tourists visited an archeological site in Luxor, Egypt, they were set upon by six Gama’at murderers. The jihadists brutally shot and stabbed them to death – also killing several Egyptian police. The torso of one victim was slit so the terrorists could insert in it a leaflet demanding the release of the Blind Sheikh. Similar leaflets were scattered about the carnage.¶ Luxor was not the last of these atrocities, but it is the most savage so far, and it is the scene that should leap to mind every time some useful idiot like Senator Durbin makes the absurd claim that Guantanamo Bay must be shut down because it causes terrorism and spurs terrorist recruitment. That this claim is mindlessly repeated by high-ranking military officers and intelligence officials doesn’t make it any less absurd.¶ We are talking about people who live in sharia states where they still stone women for adultery, apostates for daring to abandon Islam, and homosexuals for breathing. We are talking about people who riot and murder over cartoons — people who use mosques to hide weapons and Korans to transmit terrorist messages and then murder non-Muslims for purportedly defaming their religion. It makes no difference to these people that we detain Muslim terrorists in military brigs under the laws of war rather than detaining them in civilian prisons after trial in our criminal justice system.¶ After 17 years of attacks, we should have learned the difference between causes of terrorism and pretexts for terrorism. Terrorism is caused, and terrorist recruitment is driven, by Islamist ideology and by American weakness in the face of terror attacks. In that sense, Senator Durbin causes more terrorism than Gitmo ever will. 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Perversely, jihadist murderers become the vessels of our values: They’re noble savages and they don’t murder because they believe their religion commands them to. They do it, we’re told, because of national-security policies that just happen to be the ones despised by the Left. The terrorists are onto this game even if we’re not. So they snicker and say, “Oh, yes, of course, it’s been Gitmo all along — that’s why we do it!” They know some pointy-headed intelligence analyst, some ambitious general, some craven U.S. senator, or even some pandering American president is bound to repeat the canard until it becomes received wisdom. And the press will play along, never pausing to ask: “Well, then, how come 9/11 and the Cole and the embassy bombings and Khobar and Bojinka and the Trade Center bombing all happened before there ever was a Gitmo?” (To which the answer, of course, would be “Israel!”)¶ Long before there was a Gitmo, Muslim terrorists also plotted to accomplish the release of their captured confederates, either through escape plots or extortionate terrorist attacks — like the massacre at Luxor. For them and their millions of sympathizers, the issue isn’t where the jihadists are detained, or under what theory (law of war or civilian prosecution) this detention is justified. The issue is that we detain them, period. In the Muslim world, where illiteracy is rampant, there are not many scholars of American law. And, as we’ve already seen, even the ACLU is saying there’s not a dime’s worth of difference between Gitmo and the new Gitmo North at Thomson. If that’s what the lefty lawyers are saying, what do you suppose the jihadists think?¶ From the prison where he serves his life sentence, Abdel Rahman was able to announce to the world: “The Sheikh is calling on you, morning and evening: Oh Muslims! Oh Muslims! And he finds no respondents. It is a duty upon all the Muslims around the world to come to free the Sheikh, and to rescue him from his jail.” That he was in a nice civilian jail after a nice civilian trial didn’t make any difference. Of Americans, the sheikh decreed: “Muslims everywhere [must] dismember their nation, tear them apart, ruin their economy, provoke their corporations, destroy their embassies, attack their interests, sink their ships, and shoot down their planes, kill them on land, at sea, and in the air. Kill them wherever you find them.” Osama bin Laden later called this the green light — the necessary Islamic fatwa — for the 9/11 attacks. It was four years before there was a Gitmo for Dick Durbin to blame. So should we shut down all the civilian prisons, too?