# \*\*\*\*1NC

## 1NC

#### Restriction on authority must limit presidential discretion

Lobel 8 Professor of Law, University of Pittsburgh Law School Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>

So  too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself.64

#### Substantial increase is 50%

Hantash 6 Patent Attorneys & Engineers Lynch Kneblewski - Sâo Paulo

[Feras, 3/16, [http://www.freshpatents.com/Method-for-detecting-cystic-fibrosis dt20060316ptan20060057593.php](http://www.freshpatents.com/Method-for-detecting-cystic-fibrosis%20dt20060316ptan20060057593.php)]

[0011] A substantial increase in the amount of a CFTR target segment identified means that the segment has been duplicated while a substantial decrease in the amount of a CFTR target segment identified means that the target segment has been deleted. The term "substantial decrease" or "substantial increase" means a decrease or increase of at least about 30-50%. Thus, deletion of a single CFTR exon would appear in the assay as a signal representing for example of about 50% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene. Conversely, amplification of a single exon would appear in the assay as a signal representing for example about 150% of the same exon signal from an identically processed sample from an individual with a wildtype CFTR gene.

#### Vote neg

#### Ground- core links are based off restrictions- skews the topic in favor of the aff.

#### Limits- opens a floodgate of affs that just dissuade presidential power

#### Bidirectionality – Absent prohibition they can create conditions that functionally increase authority

Posner 12 (Eric, University of Chicago Law, “Deference to the Executive in the United States After September 11: Congress, the Courts, and the Office of Legal Counsel”, <http://ericposner.com/DEFERENCE%20TO%20THE%20EXECUTIVE.pdf>)

To see why, consider an example in which the President must choose an action that lies on a continuum, such as electronic surveillance. At one extreme, the President can engage in actions that are clearly lawful—for example, spying on criminal suspects after obtaining warrants from judges. At the other extreme, the President can engage in actions that are clearly unlawful—for example, spying on political opponents. OLC opinions will not affect Congress's or the public's reaction to either the obviously lawful or the obviously unlawful actions. But then there are middle cases. Consider Policy L, which is just barely legal, and Policy I, which is just barely illegal. The President would like to pursue Policy L but fears that Congress and others will mistakenly believe that Policy L is illegal. As a result, political opposition to Policy L will be greater than it would be otherwise. In such a case, a favorable advisory opinion from a neutral legal body that has credibility with Congress will help the President.\* OLC approval of Policy L would cause political opposition (to the extent that it is based on the mistaken belief that Policy L is unlawful) to melt away. Thus, the OLC enables the President to engage in Policy L, when without OLC participation that might be impossible. True, the OLC will not enable the President to engage in Policy I, assuming OLC is neutral. Indeed, OLC's negative reaction to Policy / might stiffen Congress's resistance. Nevertheless, the President will use the OLC only because he believes that on average, the OL C will strengthen his hand. An analogy to contract law might be illuminating. People enter contracts because they enable them to do things ex ante by imposing constraints on them ex post. For example, a debtor can borrow money from a creditor only because a court will force the debtor to repay the money ex post. It would be strange to say that contract law imposes "constraints" on people because of ex post enforcement. In fact, contract law enables people to do things that they could not otherwise do—it extends their power. If it did not, people would not enter contracts.

## 1NC

#### Text: The President of the United States should issue a National Security Directive requiring the Department of Defense include in its Quadrennial Defense Review a recommendation to grant Article III courts exclusive jurisdiction over individuals detained by the United States under its detention policy as described in the 2001 Authorization for Use of Military Force.

#### The President should not de-classify information regarding this National Security Directive.

#### QDR solves- reduces war powers

Parsons, National Defense Magazine Staff Writer, 2013,

(Dan, "Analyst: 2014 Defense Review Offers Opportunity for Real Reform", National Defense Magazine, 6-17, PAS) [www.nationaldefensemagazine.org/blog/lists/posts/post.aspx?ID=1182](http://www.nationaldefensemagazine.org/blog/lists/posts/post.aspx?ID=1182) 9-2-13

Instead of shoehorning its current force structure within a confined budget, the U.S. military should decide what it wants to be able to accomplish in the future and then design an affordable force to achieve those goals, a new study on the upcoming Quadrennial Defense Review contends. ¶ ¶ “We have a very capable force today. But the QDR is supposed to look out into the future, 20 years in the future and detect trends in the threats, trends in technology and where we should put our resources to be prepared for those future threats.,” Mark Gunzinger, author of “Shaping America’s Military: Toward a New Force Planning Construct, said June 13 during a presentation of the report. ¶ ¶ “We need to decide what capabilities we need for the future, before we decide what cuts we’re going to make today,” added Gunzinger, a senior fellow at the Center for Strategic and Budgetary Assessments, the Washington, D.C.-based think tank that published the report. ¶ ¶ Gunzinger’s concern is that the QDR that is scheduled to be published in 2014 will simply cut the current military down to a size that is affordable based on the current constrained fiscal environment. Mandated by law, next year’s QDR is the first in 11 years that will be drafted without a seemingly endless pot of money to fund its objectives. In fact, this and the next QDR fall squarely into a timeframe when Pentagon officials can count on shrinking budgets.¶ ¶ “The QDR could become another budget-dominated drill, which could lead the U.S. military to cut force structure, personnel and programs resulting in a force structure that is a smaller version of what we have today — a force structure that is, frankly, best prepared for fading threats,” Gunzinger said. “You should invest in the future first, before you balance the budget.”¶

## 1NC

#### The Executive branch of the United States federal government should issue an executive order to establish a policy to internally review indefinite detention. The order should also require consultation with the Office of Legal Counsel regarding indefinite detention. The Executive Order should also require written publication of opinions in support of the legal framework.

#### Solves signal and is sustainable

Eric Posner and Vermeule 7, The University of Chicago Law School Professor, and Adrian Vermeule, Harvard Law School Professor of Law, 2007, The Credible Executive, 74 U. Chi. L. Rev. 865

The Madisonian system of oversight has not totally failed. Sometimes legislators overcome the temptation to free ride; sometimes they invest in protecting the separation of powers or legislative prerogatives. Sometimes judges review exercises of executive discretion, even during emergencies. But often enough, legislators and judges have no real alternative to letting executive officials exercise discretion unchecked. The Madisonian system is a partial failure; compensating mechanisms must be adopted to fill the area of slack, the institutional gap between executive discretion and the oversight capacities of other institutions. Again, the magnitude of this gap is unclear, but plausibly it is quite large; we will assume that it is. It is often assumed that this partial failure of the Madisonian system unshackles and therefore benefits ill-motivated executives. This is grievously incomplete. The failure of the Madisonian system harms the well-motivated executive as much as it benefits the ill-motivated one. Where Madisonian oversight fails, the well-motivated executive is a victim of his own power. Voters, legislators, and judges will be wary of granting further discretion to an executive whose motivations are uncertain and possibly nefarious. The partial failure of Madisonian oversight thus threatens a form of inefficiency, a kind of contracting failure that makes potentially everyone, including the voters, worse off. Our central question, then, is what the well-motivated executive can do to solve or at least ameliorate the problem. The solution is for the executive to complement his (well-motivated) first-order policy goals with second-order mechanisms for demonstrating credibility to other actors. We thus do not address the different question of what voters, legislators, judges, and other actors should do about an executive who is ill motivated and known to be so. That project involves shoring up or replacing the Madisonian system to block executive dictatorship. Our project is the converse of this, and involves finding new mechanisms to help the well-motivated executive credibly distinguish himself as such. IV. Executive Signaling: Law and Mechanisms We suggest that the executive's credibility problem can be solved by second-order mechanisms of executive signaling. In the general case, well-motivated executives send credible signals by taking actions that are more costly for ill-motivated actors than for well-motivated ones, thus distinguishing themselves from their ill-motivated mimics. Among the specific mechanisms we discuss, an important subset involves executive self-binding, whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors. Commitments themselves have value as signals of benign motivations. This departs from the usual approach in legal scholarship. Legal theory has often discussed self-binding by "government" or government officials. In constitutional theory, it is often suggested that constitutions represent an attempt by "the people" to bind "themselves" against their own future decisionmaking pathologies, or relatedly, that constitutional prohibitions represent mechanisms by which governments commit themselves not to expropriate investments or to exploit their populations. n72 Whether or not this picture is coherent, n73 it is not the question we examine here, although some of the relevant considerations are similar. n74 We are not concerned with binding the president so that he cannot abuse his powers, but with how he might bind himself or take other actions that enhance his credibility, so that he can generate support from the public and other members of the government. [\*895] Furthermore, our question is subconstitutional: it is whether a well-motivated executive, acting within an established set of constitutional and statutory rules, can use signaling mechanisms to generate public trust. Accordingly, we proceed by assuming that no constitutional amendments or new statutes will be enacted. Within these constraints, what can a well-motivated executive do to bootstrap himself to credibility? The problem for the well-motivated executive is to credibly signal his benign motivations. In general, the solution is to engage in actions that are less costly for good types than for bad types. We begin with some relevant law, then examine a set of possible mechanisms -emphasizing both the conditions under which they might succeed and the conditions under which they might not -and conclude by examining the costs of credibility. A. A Preliminary Note on Law and Self-Binding Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding. n75 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is yes, at least to the same extent that a legislature can. Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo. n76 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of self-binding: 1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so. 2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding. n77 However, there may be large political costs to repealing the order. This effect does not depend on the courts' willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so, too, the executive's issuance of a self-binding order can trigger reputational costs. In such cases, repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

#### OLC opinions bind executive action and are perceived internationally

Harris 5 (George C., Professor of Law – University of the Pacific McGeorge School of Law, “The Professional Responsibilities of Executive Branch Lawyers in the Wake of 9/11,” Journal of National Security Law & Policy, 1 J. Nat'l Security L. & Pol'y 409, Lexis)

C. The Role of Government Lawyers in Formulating the Unlawful Enemy Combatant Doctrine¶ In the months following 9/11, the OLC responded to requests from the White House and the Department of Defense for interpretation of domestic and international law bearing on the detention and treatment of terrorism suspects. OLC lawyers surely understood not only the urgency and significance of those requests, but also the profound implications of the issues **raised for international relations** and the rule of law itself.¶ [\*428] If those lawyers consulted the professional canons at this historic moment, they found, as demonstrated above, somewhat varied and equivocal guidance. Even approaching their responsibilities in the narrowest possible way, however, as parallel to the duties of a private lawyer asked by an organizational client for guidance regarding the limits of legal conduct, certain guiding principles should have been uncontroversial.¶ As expressed in Model Rules 1.2 and 2.1, they were obligated: (1) to provide advice, not advocacy - an honest and objective assessment of the actual legal and other consequences likely to result from any proposed courses of conduct, including the risks associated with those courses of conduct; (2) not to confine themselves to technical legal advice, if broader moral and ethical considerations were relevant; and (3) not to counsel any criminal conduct or recommend any means by which a crime might be committed with impunity. Whether or not those lawyers had broader, constitutional duties in light of their high office and oath, as a simple matter of competence and diligence n89 they were obligated to consider: (1) relevant executive branch as well as judicial precedent, including any history of prior executive branch opinions on related topics; and (2) likely responses to any proposed course of conduct by other government officials or parties that would be of consequence to the client.¶ The OLC lawyers who authored the Opinion Memos were not, however, merely lawyers for a private organizational client. The Assistant Attorney General in charge of the OLC was himself a high government official, appointed by the President and confirmed by the Senate. He and all of his deputies had taken oaths to uphold the Constitution and laws of the United States. n90 In preparing opinion memos for the President and other executive branch officials, they were exercising authority, given to the Attorney General by Congress in the Judiciary Act of 1789 and delegated by the Attorney General to the OLC, to determine the legal boundaries of executive power and discretion under the Constitution and laws. They knew that their opinions would likely guide the conduct of the President and bind the rest of the executive branch.¶ As noted above, commentators with OLC experience have differed regarding if and when the OLC's role should be quasi-judicial rather than client-centered. Unlike many of the opinion requests routinely discharged by the OLC that are subject to immediate judicial testing through the adversary [\*429] process - such as, for example, the constitutionality and effect of proposed legislation or the soundness of the government's proposed litigation posture-OLC lawyers understood that the requests addressed by the post-9/11 Opinion Memos had immediate implications for executive action that would be reviewed, if ever, only after the implementation of executive policies with potentially **far-reaching** impact on domestic and international affairs. Indeed, the Opinion Memos opined that the President's determination of some of these matters would never be subject to judicial review. n91¶ In this context, the quasi-judicial model championed by former OLC chief Randolph Moss a year before the 9/11 attacks n92 seems particularly appropriate. Guardianship of the rule of law itself lay conspicuously in the OLC's in-box. Advising the President on whether he could unilaterally suspend or disregard treaty obligations or customary international law would be reckless on anything but the "best view" of the law arrived at after full consideration of relevant executive branch as well as judicial precedent.

## 1NC

#### Presidential war powers high

Bazzle 12 SHUTTING THE COURTHOUSE DOORS: INVOKING THE STATE SECRETS PRIVILEGE TO THWART JUDICIAL REVIEW IN THE AGE OF TERROR, Timothy Bazzle, J.D., Georgetown University Law Center, 2011; M.I.A., School of International and Pub- lic Affairs at Columbia University, 2006; A.B. History and Literature, Harvard University, 2001. Mr. Bazzle is a litigation associate at Goodwin Procter LLP, 2012, http://civilrightslawjournal.com/issues/23.29.pdf

The war on terror has led to an increased use of the state secrets privilege by the Executive Branch—to dismiss legal challenges to widely publicized and controversial government actions—ostensibly aimed at protecting national security from terrorist threats.1 Faced with complaints that allege indiscriminate and warrantless surveil- lance,2 tortious detention, and torture that flouts domestic and inter- national law,3 courts have had to reconcile impassioned appeals for private justice with the government’s unyielding insistence on protect- ing national security. Courts, almost unanimously, have cast their lot with national security, granting considerable deference to government assertions of the state secrets principle. This deference to state secrets shows no signs of abating; indeed, the growing trend is for courts to dismiss these legal challenges pre-discovery,4 even before the private litigants have had the chance to present actual, non-secret evidence to meet their burden of proof. Although many looked optimistically at President Obama’s inauguration as a chance to break decisively from the Bush Administration’s aggressive application of the state secrets privilege,5 the Obama Administration has largely disappointed on the state-secrets front, asserting the privilege with just as much fervor—if not as much regularity6—as its predecessor.7

#### Judicial restrictions undermine the executive- tanks heg

Robert Blomquist 10, Professor of Law, Valparaiso University School of Law, THE JURISPRUDENCE OF AMERICAN NATIONAL SECURITY PRESIPRUDENCE, 44 Val. U.L. Rev. 881

Supreme Court Justices--along with legal advocates--need to conceptualize and prioritize big theoretical matters of institutional design and form and function in the American national security tripartite constitutional system. By way of an excellent introduction to these vital issues of legal theory, the Justices should pull down from the library shelf of the sumptuous Supreme Court Library in Washington, D.C. (or more likely have a clerk do this chore) the old chestnut, The Legal Process: Basic Problems in the Making and Application of Law by the late Harvard University law professors Henry M. Hart and Albert M. Sacks. n7 Among the rich insights on institutional design coupled with form and function in the American legal system that are germane to the Court's interpretation of national security law-making and decision-making by the President are several pertinent points. First, "Hart and Sacks' intellectual starting point was the interconnectedness of human beings, and the usefulness of law in helping us coexist peacefully together." n8 By implication, therefore, the Court should be mindful of the unique [\*883] constitutional role played by the POTUS in preserving peace and should prevent imprudent judicial actions that would undermine American national security. Second, Hart and Sacks, continuing their broad insights of social theory, noted that legal communities establish "institutionalized[] procedures for the settlement of questions of group concern" n9 and regularize "different procedures and personnel of different qualifications . . . appropriate for deciding different kinds of questions" n10 because "every modern society differentiates among social questions, accepting one mode of decision for one kind and other modes for others-e.g., courts for 'judicial' decisions and legislatures for 'legislative' decisions" n11 and, extending their conceptualization, an executive for "executive" decisions. n12 Third, Professors Hart and Sacks made seminal theoretical distinctions between rules, standards, principles, and policies. n13 While all four are part of "legal arrangements [\*884] in an organized society," n14 and all four of these arrangements are potentially relevant in judicial review of presidential national security decisions, principles and policies n15 are of special concern because of the sprawling, inchoate, and rapidly changing nature of national security threats and the imperative of hyper-energy in the Executive branch in responding to these threats. n16¶ The Justices should also consult Professor Robert S. Summers's masterful elaboration and amplification of the Hart and Sacks project on enhancing a flourishing legal system: the 2006 opus, Form and Function in a Legal System: A General Study. n17 The most important points that [\*885] Summers makes that are relevant to judicial review of American national security presiprudence are three key considerations. First, a "conception of the overall form of the whole of a functional [legal] unit is needed to serve the founding purpose of defining, specifying, and organizing the makeup of such a unit so that it can be brought into being and can fulfill its own distinctive role" n18 in synergy with other legal units to serve overarching sovereign purposes for a polity. The American constitutional system of national security law and policy should be appreciated for its genius in making the POTUS the national security sentinel with vast, but not unlimited, powers to protect the Nation from hostile, potentially catastrophic, threats. Second, "a conception of the overall form of the whole is needed for the purpose of organizing the internal unity of relations between various formal features of a functional [legal] unit and between each formal feature and the complementary components of the whole unit." n19 Thus, Supreme Court Justices should have a thick understanding of the form of national security decision-making conceived by the Founders to center in the POTUS; the ways the POTUS and Congress historically organized the processing of national security through institutions like the National Security Council and the House and Senate intelligence committees; and the ways the POTUS has structured national security process through such specific legal forms as Presidential Directives, National Security Decision Directives, National Security Presidential Decision Directives, Presidential Decision Directives, and National Security Policy Directives in classified, secret documents along with typically public Executive Orders. n20 Third, according to Summers, "a conception of the overall form of the whole functional [legal] unit is needed to organize further the mode of operation and the instrumental capacity of the [legal] unit." n21 So, the Supreme Court should be aware that tinkering with national security decisions of the POTUS--unless clearly necessary to counterbalance an indubitable violation of the text of the Constitution--may lead to unforeseen negative second-order consequences in the ability of the POTUS (with or without the help of Congress) to preserve, protect, and defend the Nation. n22¶ [\*886] B. Geopolitical Strategic Considerations Bearing on Judicial Interpretation¶ Before the United States Supreme Court Justices form an opinion on the legality of national security decisions by the POTUS, they should immerse themselves in judicially-noticeable facts concerning what national security expert, Bruce Berkowitz, in the subtitle of his recent book, calls the "challengers, competitors, and threats to America's future." n23 Not that the Justices need to become experts in national security affairs, n24 but every Supreme Court Justice should be aware of the following five basic national security facts and conceptions before sitting in judgment on presiprudential national security determinations.¶ (1) "National security policy . . . is harder today because the issues that are involved are more numerous and varied. The problem of the day can change at a moment's notice." n25 While "[y]esterday, it might have been proliferation; today, terrorism; tomorrow, hostile regional powers" n26, the twenty-first century reality is that "[t]hreats are also more likely to be intertwined--proliferators use the same networks as narco-traffickers, narco-traffickers support terrorists, and terrorists align themselves with regional powers." n27¶ (2) "Yet, as worrisome as these immediate concerns may be, the long-term challenges are even harder to deal with, and the stakes are higher. Whereas the main Cold War threat--the Soviet Union--was brittle, most of the potential adversaries and challengers America now faces are resilient." n28¶ (3) "The most important task for U.S. national security today is simply to retain the strategic advantage. This term, from the world of military doctrine, refers to the overall ability of a nation to control, or at least influence, the course of events." n29 Importantly, "[w]hen you hold [\*887] the strategic advantage, situations unfold in your favor, and each round ends so that you are in an advantageous position for the next. When you do not hold the strategic advantage, they do not." n30¶ (4) While "keeping the strategic advantage may not have the idealistic ring of making the world safe for democracy and does not sound as decisively macho as maintaining American hegemony," n31 maintaining the American "strategic advantage is critical, because it is essential for just about everything else America hopes to achieve--promoting freedom, protecting the homeland, defending its values, preserving peace, and so on." n32¶ (5) The United States requires national security "agility." n33 It not only needs "to refocus its resources repeatedly; it needs to do this faster than an adversary can focus its own resources." n34¶ [\*888] As further serious preparation for engaging in the jurisprudence of American national security presiprudence in hotly contested cases and controversies that may end up on their docket, our Supreme Court Justices should understand that, as Walter Russell Mead pointed out in an important essay a few years ago, n35 the average American can be understood as a Jacksonian pragmatist on national security issues. n36 "Americans are determined to keep the world at a distance, while not isolating ourselves from it completely. If we need to take action abroad, we want to do it on our terms." n37 Thus, recent social science survey data paints "a picture of a country whose practical people take a practical approach to knowledge about national security. Americans do not bother with the details most of the time because, for most Americans, the details do not matter most the time." n38 Indeed, since the American people "do know the outlines of the big picture and what we need to worry about [in national security affairs] so we know when we need to pay greater attention and what is at stake. This is the kind of knowledge suited to a Jacksonian." n39¶ Turning to how the Supreme Court should view and interpret American presidential measures to oversee national security law and policy, our Justices should consider a number of important points. First, given the robust text, tradition, intellectual history, and evolution of the institution of the POTUS as the American national security sentinel, n40 and the unprecedented dangers to the United States national security after 9/11, n41 national security presiprudence should be accorded wide latitude by the Court in the adjustment (and tradeoffs) of trading liberty and security. n42 Second, Justices should be aware that different presidents [\*889] institute changes in national security presiprudence given their unique perspective and knowledge of threats to the Nation. n43 Third, Justices should be restrained in second-guessing the POTUS and his subordinate national security experts concerning both the existence and duration of national security emergencies and necessary measures to rectify them. "During emergencies, the institutional advantages of the executive are enhanced", n44 moreover, "[b]ecause of the importance of secrecy, speed, and flexibility, courts, which are slow, open, and rigid, have less to contribute to the formulation of national policy than they do during normal times." n45 Fourth, Supreme Court Justices, of course, should not give the POTUS a blank check--even during times of claimed national emergency; but, how much deference to be accorded by the Court is "always a hard question" and should be a function of "the scale and type of the emergency." n46 Fifth, the Court should be extraordinarily deferential to the POTUS and his executive subordinates regarding questions of executive determinations of the international laws of war and military tactics. As cogently explained by Professors Eric Posner and Adrian Vermeule, n47 "the United States should comply with the laws of war in its battle against Al Qaeda"--and I would argue, other lawless terrorist groups like the Taliban--"only to the extent these laws are beneficial to the United States, taking into account the likely response of [\*890] other states and of al Qaeda and other terrorist organizations," n48 as determined by the POTUS and his national security executive subordinates.

#### Emboldened rogue states threaten nuclear war

Dibb 6 Emeritus Prof of IR @ Australian National University, Sydney Morning Herald (Australia), August 15, 2006 Tuesday, As one nuclear flashpoint reaches a lull, another simmers away, Pg. 11, Lexis

NOW that the building blocks for achieving a cessation in hostilities in the crisis involving Israel and Hezbollah in Lebanon are in place, the focus can shift back to the main game - Iran and North Korea. Both flashpoints have the potential to escalate out of control if they are not managed carefully. Yet neither region is noted for the success of its diplomacy. Both the Middle East and North-East Asia are heavily armed parts of the world characterised by deep-seated hatreds and long-standing territorial disputes. Historically, such situations have been a recipe for disaster. Not so long ago we were being told that we were living in a peaceful, interdependent world. Yet the fact is that the constraints and understandings of the bipolar Cold War world have been replaced by a more uncertain world, where there is much more jockeying for position and influence. In the Middle East, the destruction of Saddam Hussein's regime and its replacement, at least for now, by a weakened Iraq has allowed Iran to become the dominant regional power. The regime in Tehran is hell-bent on exporting terrorism and acquiring nuclear weapons. For Israel, the ceasefire may stall the military action, but the longer-term real strategic threat it faces - the spectre of a nuclear-armed Iran equipped with ballistic missiles of sufficient range and accuracy to target Israel without taking out Palestinian or neighbouring Arab territories - will not go away. Israel will not tolerate this and the US needs to make it clear to Tehran that any such attack on Israel will bring about Iran's destruction. That was a good enough understanding with the USSR at the height of the Cold War. But this discipline no longer applies because now there is only one superpower, which cannot control both Israel and Arab-Iranian protagonists. In North Korea a similar situation applies. Having seen the destruction of Saddam's regime, North Korea's Kim Jong-il is intent on acquiring nuclear weapons to preserve his regime. But the end of the Cold War has eroded the influence of North Korea's allies over its military ambitions and sense of security. China has been embarrassed by its inability to restrain North Korea from testing nuclear-capable ballistic missiles and Russia no longer wields any influence over the rogue state. In many ways, the situation in North-East Asia is potentially even more dire than in the Middle East. North Korea's recalcitrance in dismantling its nuclear weapons program comes at a time of unprecedented tensions between China and Japan and South Korea and Japan where one false move could spell disaster. North Korea is playing a dangerous game of bellicose brinkmanship; it continues to keep more than a million troops on high-alert status, including heavy artillery concentrations only 50 kilometres from Seoul, a city of more than 10 million people. North Korea's acquisition of nuclear weapons threatens to seriously destabilise North-East Asia and result in a nuclear arms race developing there. As it is, the North's belligerence is encouraging Japan to build up its military capabilities. This at a time when China's poor relations with Japan are worrying. The Chinese communist leadership drums up anti-Japanese nationalism whenever it suits, while China's military build-up greatly concerns Japan. The pace of Beijing's defence spending is puzzling, particularly as China faces no military threat for the first time in many decades. Similarly, Japan's relations with South Korea are at a low point, partly over Japan's view of the history of World War II but also because of territorial disputes, which Seoul has elevated to the level of national pride, threatening the use of military force. This is occurring when, from Tokyo's perspective, South Korea is drifting from the orbit of the US alliance and getting uncomfortably close to China, as well as appeasing North Korea. All this is an unhealthy mix of great power tensions and deep-seated historical distrust and growing military capabilities. The bigger worry is that Pyongyang's adventurism will incinerate any efforts to stabilise a region full of dangerous rivalries, as will the inevitable collision between Iran and Israel in the Middle East.

## 1NC

#### Obama is prioritizing capture over drone strikes now

Corn 13

David Corn 13, Washington Bureau Chief at Mother Jones, 5/23/13, “Obama's Counterterrorism Speech: A Pivot Point on Drones and More?,” <http://www.motherjones.com/mojo/2013/05/obama-speech-drones-civil-liberties>

So Obama's speech Thursday on counterterrorism policies—which follows his administration's acknowledgment yesterday that it had killed four Americans (including Anwar al-Awlaki, an Al Qaeda leader in Yemen)—is a big deal, for with this address, Obama is self-restricting his use of drones and shifting control of them from the CIA to the military. And the president has approved making public the rules governing drone strikes.¶ The New York Times received the customary pre-speech leak and reported:¶ A new classified policy guidance signed by Mr. Obama will sharply curtail the instances when unmanned aircraft can be used to attack in places that are not overt war zones, countries like Pakistan, Yemen and Somalia. The rules will impose the same standard for strikes on foreign enemies now used only for American citizens deemed to be terrorists.¶ Lethal force will be used only against targets who pose "a continuing, imminent threat to Americans" and cannot feasibly be captured, Attorney General Eric H. Holder Jr. said in a letter to Congress, suggesting that threats to a partner like Afghanistan or Yemen alone would not be enough to justify being targeted.¶ These moves may not satisfy civil-liberties-minded critics on sthe right and the left. Obama is not declaring an end to indefinite detention or announcing the closing of Gitmo—though he is echoing his State of the Union vow to revive efforts to shut down that prison. Still, these moves would be unimaginable in the Bush years. Bush and Cheney essentially believed the commander in chief had unchallenged power during wartime, and the United States, as they saw it, remained at war against terrorism. Yet here is Obama subjecting the drone program to a more restrictive set of rules—and doing so publicly. This is very un-Cheney-like. (How soon before the ex-veep arises from his undisclosed location to accuse Obama of placing the nation at risk yet again?)¶ Despite Obama's embrace of certain Bush-Cheney practices and his robust use of drones, the president has tried since taking office to shift US foreign policy from a fixation on terrorism. During his first days in office, he shied away from using the "war on terrorism" phrase. And his national security advisers have long talked of Obama's desire to reorient US foreign policy toward challenges in the Pacific region. By handing responsibility for drone strikes to the military, Obama is helping CIA chief John Brennan, who would like to see his agency move out of the paramilitary business and devote more resources to its traditional tasks of intelligence gathering and analysis.¶ With this speech, Obama is not renouncing his administration's claim that it possesses the authority to kill an American overseas without full due process. The target, as Holder noted in that letter to Congress, must be a senior operational leader of Al Qaeda or an associated group who poses an "imminent threat of violent attack against the United States" and who cannot be captured, and Holder stated that foreign suspects now can only be targeted if they pose "a continuing, imminent threat to Americans." (Certainly, there will be debates over the meaning of "imminent," especially given that the Obama administration has previously used an elastic definition of imminence.) And Obama is not declaring an end to the dicey practice of indefinite detention or a conclusion to the fight against terrorism.

But the speech may well mark a pivot point. Not shockingly, Obama is attempting to find middle ground, where there is more oversight and more restraint regarding activities that pose serious civil liberties and policy challenges. The McCainiacs of the world are likely to howl about any effort to place the effort to counter terrorism into a more balanced perspective. The civil libertarians will scoff at half measures. But Obama, at the least, is showing that he does ponder these difficult issues in a deliberative manner and is still attempting to steer the nation into a post-9/11 period. That journey, though, may be a long one.

#### Detention closure increases drones use

Goldsmith 12 Proxy Detention in Somalia, and the Detention-Drone Tradeoff, Jack Goldsmith, Henry L. Shattuck Professor at Harvard Law School, served as Assistant Attorney General, Office of Legal Counsel from 2003–2004, and Special Counsel to the Department of Defense from 2002–2003, member of the Hoover Institution Task Force on National Security and Law, June 29, 2012, http://www.lawfareblog.com/2012/06/proxy-detention-in-somalia-and-the-detention-drone-tradeoff/

There has been speculation about the effect of the Obama administration’s pinched detention policy – i.e. no new detainees brought to GTMO, and no new detainees to Parwan (Afghanistan) from outside Afghanistan – on its other counterterrorism policies. I have long believed there must be some tradeoff between narrowing U.S. detention capabilities and other counterterrorism options, at least implicitly, and not necessarily for the better. As I wrote three years ago, in response to news reports that the Obama administration’s cutback on USG detentions resulted in more USG drone strikes and more outsourcing of rendition, detention, and interrogation:¶ 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.

#### Causes great power war and hotspot escalation

Dowd 13 (Alan W. Dowd, widely published writer on national defense, foreign policy, and international security including contributions to Parameters, Policy Review, The Journal of Diplomacy and International Relations, World Politics Review, American Outlook, The Baltimore Sun, The Washington Times, The National Post, The Wall Street Journal Europe, The Jerusalem Post, and The Financial Times Deutschland, Winter-Spring 2013, “Drone Wars: Risks and Warnings,” Parameters, <http://www.strategicstudiesinstitute.army.mil/pubs/parameters/Issues/WinterSpring_2013/1_Article_Dowd.pdf>)

If these geo-political consequences of remote-control war do not get ¶ our attention, then the looming geo-strategic consequences should. If ¶ we make the argument that UCAV pilots are in the battlespace, then we are effectively saying that the battlespace is the entire earth. If that is the ¶ case, the unintended consequences could be dramatic.¶ First, if the battlespace is the entire earth, the enemy would seem to ¶ have the right to wage war on those places where UCAV operators are based. ¶ That’s a sobering thought, one few policymakers have contemplated.¶ Second, power-projecting nations are following America’s lead and ¶ developing their own drones to target their distant enemies by remote. ¶ An estimated 75 countries have drone programs underway.45 Many of ¶ these nations are less discriminating in employing military force than ¶ the United States—and less skillful. Indeed, drones may usher in a new ¶ age of accidental wars. If the best drones deployed by the best military ¶ crash more than any other aircraft in America’s fleet, imagine the accident rate for mediocre drones deployed by mediocre militaries. And then ¶ imagine the international incidents this could trigger between, say, India and Pakistan; North and South Korea; Russia and the Baltics or Poland ¶ or Georgia; China and any number of its wary neighbors.¶ China has at least one dozen drones on the drawing board or in production, and has announced plans to dot its coastline with 11 drone bases ¶ in the next two years.46 The Pentagon’s recent reports on Chinese military power detail “acquisition and development of longer-range UAVs ¶ and UCAVs . . . for long-range reconnaissance and strike”; development ¶ of UCAVs to enable “a greater capacity for military preemption”; and ¶ interest in “converting retired fighter aircraft into unmanned combat ¶ aerial vehicles.”47 At a 2011 air show, Beijing showcased one of its newest drones by playing a video demonstrating a pilotless plane tracking a US ¶ aircraft carrier near Taiwan and relaying targeting information.48¶ Equally worrisome, the proliferation of drones could enable nonpower-projecting nations—and nonnations, for that matter—to join the ¶ ranks of power-projecting nations. Drones are a cheap alternative to ¶ long-range, long-endurance warplanes. Yet despite their low cost, drones ¶ can pack a punch. And owing to their size and range, they can conceal ¶ their home address far more effectively than the typical, nonstealthy ¶ manned warplane. Recall that the possibility of surprise attack by drones ¶ was cited to justify the war against Saddam Hussein’s Iraq.49¶ Of course, cutting-edge UCAVs have not fallen into undeterrable ¶ hands. But if history is any guide, they will. Such is the nature of proliferation. Even if the spread of UCAV technology does not harm the ¶ United States in a direct way, it is unlikely that opposing swarms of ¶ semiautonomous, pilotless warplanes roaming about the earth, striking at will, veering off course, crashing here and there, and sometimes ¶ simply failing to respond to their remote-control pilots will do much to ¶ promote a liberal global order.¶ It would be ironic if the promise of risk-free warpresented by drones ¶ spawned a new era of danger for the United States and its allies.

## 1NC

#### Budget agreement will pass---PC is key

Calmes & Parker 10/10 Jackie Calmes and Ashley Parker are NYT Staff Reporters, “No Quick Deal, but Offer by G.O.P. on Debt Shifts the Tone,” 10-10-13, <http://www.nytimes.com/2013/10/11/us/politics/debt-limit-debate.html?_r=0>, DOA: 10-10-13, y2k

In statements afterward that struck the most positive tone in weeks of acrimony, House Republicans described their hour-and-a-half-long meeting with Mr. Obama as “a useful and productive conversation,” while the White House described “a good meeting,” though “no specific determination was made” about the Republicans’ offer. Both agreed to continue talks through the night. People familiar with the meeting said that Mr. Obama pressed Republicans to reopen the government, and that Republicans raised the possibility that financing could be restored by early next week if terms for broad budget negotiations could be reached. Twenty Republicans, led by Speaker John A. Boehner, went to the White House at Mr. Obama’s invitation after a day of fine-tuning their proposal to increase the Treasury Department’s authority to borrow money to pay existing obligations through Nov. 22. The government is expected to reach its borrowing limit next week. In exchange, they sought a commitment by the president to negotiate a deal for long-term deficit reduction and a tax overhaul. The president “didn’t say yes, didn’t say no,” said Representative Paul D. Ryan, Republican of Wisconsin and chairman of the House Budget Committee. He added, “We agreed to continue talking and continue negotiating.” An initial report that Mr. Obama had rejected the Republicans’ offer was too definitive and came before Republican leaders or the White House had made it clear to reporters that the negotiations would continue. Still, the House Republican offer represented a potentially significant breakthrough. Even if Democrats found fault with the Republicans’ immediate proposal — for example, it would prevent a Treasury secretary from engaging in accounting maneuvers to stave off potential default — it was seen as an opening gambit in the legislative dance toward some resolution before the government is expected to breach its debt limit on Thursday. Even before the meeting, the White House and its Democratic allies in Congress were all but declaring victory at the evidence that Republicans — suffering the most in polls, and pressured by business allies and donors not to provoke a government default — were seeking a way out of the impasse. After some fretful weeks, the Democrats believe, Mr. Obama was seeing some payoff for his big gamble this year. Burned by his experience with House Republicans in mid-2011, when brinkmanship over the debt limit hobbled the already weak economy, Mr. Obama began his second term vowing never again to negotiate over raising the ceiling or to give any concessions to Republicans for performing an act that is their constitutional responsibility. “The good news is that Republicans have accepted the principle that they’re not going to attach conditions to the debt ceiling,” said Representative Chris Van Hollen of Maryland, the senior Democrat on the House Budget Committee. “The bad news is they’ve only extended the debt ceiling for six weeks, which will continue to generate huge amounts of destructive uncertainty in the economy. And, of course, they also continue to keep the government shut down.” For House Republicans, the maneuvers represented a near complete reversal of their original strategy in September of going to the mat over the debt limit but not shutting down the government. Now, under pressure from falling poll numbers and angry business supporters, they are seeking a compromise on the debt ceiling. Yet for now, they are still refusing to finance and reopen the government without some concessions. Mr. Boehner and his colleagues left the White House without speaking to waiting reporters, and quickly gathered in his Capitol suite for further discussion. Their debt limit proposal could come to a vote as soon as Friday. Before the White House meeting, administration and Congressional Democrats said they were skeptical that House Republican leaders could pass the proposal. A large faction of Tea Party conservatives campaigned on promises never to vote to increase the nation’s debt limit, and they say they do not believe the warnings that failing to act could provoke a default and economic chaos globally. And Congressional Democrats vowed to oppose any proposal that did not also fully finance a government now shuttered since the fiscal year began Oct. 1. “We’ll see what they’re able to pass,” said Mr. Obama’s press secretary, Jay Carney. Senate Democrats had their own White House meeting with Mr. Obama and Vice President Joseph R. Biden Jr. three hours before the House Republicans arrived, and the majority leader, Senator Harry Reid of Nevada, declined to embrace the Republicans’ debt limit proposal until he saw it. He told reporters that Democrats would not negotiate on further deficit reductions until House Republicans agreed to the measure passed by the Senate to finance and open the government through mid-November. “Not going to happen,” Mr. Reid said. “Open the government,” he added. “There is so much pain and suffering out there. It is really tear-jerking, to say the least.” Mr. Ryan said before the White House meeting that Republicans were now willing to formally negotiate with Senate Democrats over a long-term, comprehensive budget framework. The Republicans have resisted such a move since April, fearing that it would require compromises, like raising additional tax revenues, that would enrage the party’s conservative base heading into the 2014 midterm elections. Many House Republicans, leaving a closed-door party caucus earlier Thursday that at times grew contentious, said they would support their leadership’s short-term debt limit proposal. But they said they would do so only if Mr. Obama agreed to negotiate a broader deficit reduction deal, with big savings from entitlement programs. But the president has insisted he will not agree to significant reductions in projected Medicare and Medicaid spending — even his own tentative proposals — unless Republicans agree to raise revenues by curbing tax breaks for corporations and wealthy individuals. And Mr. Boehner in recent days reaffirmed the party’s anti-tax stance, suggesting future talks could founder on the same tax-and-entitlement spending divide that caused past negotiations to collapse. Economists across a broad spectrum agree that breaching the debt limit would damage the economy and could be calamitous if it is prolonged. The new Republican proposal could temporarily remove that threat.

#### Detention policy sparks backlash and kills PC---devastates budget agreement

Kuhn, Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Human Rights Minority Chief Counsel, 2012,

(Walter E., "The Terrorist Detention Review Reform Act: Detention Policy and Political Reality", Seton Hall Legislative Journal, Vol. 35, Iss. 2, 2-17, Pg. 2-4, PAS) erepository.law.shu.edu/cgi/viewcontent.cgi?article=1007&context=shlj

With terrorism policy often dominating the headlines and political ¶ discussion in Washington, the premise that Congress and the Executive ¶ have abdicated the issue to the courts may seem farfetched. Indeed, it ¶ seems there are daily newspaper articles and congressional discussions ¶ about the best way to detain, interrogate, and try terrorism suspects. ¶ Unfortunately, though, all of this talk and coverage increasingly leads to ¶ partisans retreating to their respective corners to score political points ¶ off of heated national security and civil-liberties rhetoric. While ¶ Congress and the President argue back and forth about the particular ¶ terrorism case of the day, unelected federal judges are left the ¶ unenviable, and to some judges, unwanted, task of de facto legislating ¶ lasting detention policy. ¶ If one accepts the premise that all the talk in the halls of Congress ¶ regarding detention policy is just that — talk — the question becomes, given the clear congressional interest in the issue, why the inertia on ¶ legislative progress? The transfer of power from President Bush to ¶ President Obama in 2009 gave many Obama supporters the hope that he ¶ would dramatically alter detention policy and move to a law ¶ enforcement model where all suspects would be tried or released.6¶ Much ¶ to their disappointment, President Obama has found it prudent to ¶ continue many of the detention policies of his predecessor, including ¶ indefinite detention without trial.7¶ At least with respect to the policies ¶ that President Obama has chosen to continue, there appears to be some ¶ degree of broad agreement in Congress. Congressional proponents of a ¶ “try or release” policy, for example, are now few and far between.8¶ With ¶ the universe of disagreement shrinking and federal judges asking for ¶ legislative guidance,9¶ it must be asked why there has been no action on¶ the part of Congress? ¶ Undoubtedly, for some in Congress, detention policy is worth more ¶ as a political issue than as a potential policy accomplishment. That is, ¶ even if one could wave a magic wand and instantly create a policy ¶ compromise that left all parties satisfied, some in Congress might ¶ decline in order to keep the political issue alive. While the specter of ¶ our legislative representatives playing politics with war policy is cynical ¶ and depressing, that motivation cannot be discounted. Similarly, ¶ detention issues may reemerge in the news with each foiled attack and ¶ judicial order of release, giving politicians an opportunity to demagogue ¶ and attack the other side while avoiding any responsibility for the ¶ consequences of policy decisions. In sum, by allowing the judiciary to ¶ take the lead on detention policy, Congress avoids the tough decisions ¶ and responsibility that comes therewith, while keeping a potent political ¶ issue alive.¶

#### Debt ceiling kills economy

Kurtzleben 10/2 How Each New Fiscal Crisis Makes the Economy a Little Shakier, DANIELLE KURTZLEBEN, business and economics reporter for U.S. News & World Report, October 2, 2013, http://www.usnews.com/news/articles/2013/10/02/how-each-new-fiscal-crisis-makes-the-economy-a-little-shakier

That prospect is made exponentially more scary with a debt ceiling deadline fast-approaching as soon as Oct. 17.¶ "The problem this time is markets are used to people in Washington screaming, 'Oh my goodness, we're going off the cliff,'" says Justin Wolfers, professor of public policy and economics at the University of Michigan. "They've stopped paying attention to that. As a result we're not yet seeing financial markets substantially enough concerned about the debt ceiling. And that raises the possibility of Congress doing something reckless, because markets aren't giving them the wake-up call they've given them in the past."¶ [ALSO: Wall Street CEOs Meet at White House for Shutdown Talks]¶ "Reckless" action, like not raising the debt limit, could have effects that are, quite literally, unimaginable. The nation has never defaulted before, and if that should happen this time around, there's no telling exactly how it would play out. It could mean a spike in interest rates, making borrowing for businesses and homebuyers – not to mention the U.S. government – much harder, and potentially dragging the nation into recession. Even tiptoeing over the limit could shake confidence in the U.S. economy.¶ "Even if [lawmakers] decide they're going to raise the debt limit on the 18th or 19th or 20th of October, they will have done significant damage, and that will show up in the economic data," Zandi said.¶ Similarly, individual investors have remained calm in comparison with 2011.¶ "So far, the market reaction has been muted, especially when compared to the debt ceiling debate in 2011," says a Wednesday note from investment banking firm Keefe, Bruyette, & Woods.¶ In the weeks leading up to and following the 2011 debt ceiling debacle, the Dow fell by 14 percent. Stocks have slipped slightly in the past week, but it is uncertain how they will fare ahead of a debt limit crisis.¶ True, there are a few reasons why investors may be less shaky than in 2011. The U.S. and global economies alike have healed since then, and European debt crises in particular are not the threat they once were. In addition, rating agencies do not appear to be ready to downgrade the U.S. credit rating, as they were in 2011.¶ Still, whether the economy is in sorry shape or slowly recovering (as it is now), the possibility of hitting the debt ceiling could be disastrous. And analysts at Keefe, Bruyette, & Woods believe volatility in the stock market will pick up as Oct. 17 approaches.

#### Decline goes nuclear

Royal 10 director of Cooperative Threat Reduction at the U.S. Department of Defense, 2010¶ Jedediah, Economics of War and Peace: Economic, Legal, and Political Perspectives, pg 213-215

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

## Adv 1

#### US signals are dismissed

Zenko 13 [Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

#### Doesn’t solve other counter-terror policies which still kill our legitimacy

#### Unipolarity doesn’t create peace

Fettweis 10 Christopher Fettweis, Professor of Political Science at Tulane University, 2010, Dangerous Times? The International Politics of Great Power Peace, p. 172-174

The primary attack on restraint, or justification for internationalism, posits that if the United States were to withdraw from the world, a variety of ills would sweep over key regions and eventually pose threats to U.S. security and/or prosperity. These problems might take three forms (besides the obvious, if remarkably unlikely, direct threats to the homeland): generalized chaos, hostile imbalances in Eurasia, and/or failed states. Historian Arthur Schlesinger was typical when he worried that restraint would mean "a chaotic, violent, and ever more dangerous planet."69 All of these concerns either implicitly or explicitly assume that the presence of the United States is the primary reason for international stability, and if that presence were withdrawn chaos would ensue. In other words, they depend upon hegemonic-stability logic.¶ Simply stated, the hegemonic stability theory proposes that international peace is only possible when there is one country strong enough to make and enforce a set of rules. At the height of Pax Romana between 27 BC and 180 AD, for example, Rome was able to bring unprecedented peace and security to the Mediterranean. The Pax Britannica of the nineteenth century brought a level of stability to the high seas. Perhaps the current era is peaceful because the United States has established a de facto Pax Americana where no power is strong enough to challenge its dominance, and because it has established a set of rules that are generally in the interests of all countries to follow. Without a benevolent hegemon, some strategists fear, instability may break out around the globe.70 Unchecked conflicts could cause humanitarian disaster and, in today's interconnected world, economic turmoil that would ripple throughout global financial markets. If the United States were to abandon its commitments abroad, argued Art, the world would "become a more dangerous place" and, sooner or later, that would "redound to Americas detriment."71 If the massive spending that the United States engages in actually provides stability in the international political and economic systems, then perhaps internationalism is worthwhile. There are good theoretical and empirical reasons, however, to believe that U.S hegemony is not the primary cause of the current era of stability.¶ First of all, the hegemonic-stability argument overstates the role that the United States plays in the system. No country is strong enough to police the world on its own. The only way there can be stability in the community of great powers is if self-policing occurs, if states have decided that their interests are served by peace. If no pacific normative shift had occurred among the great powers that was filtering down through the system, then no amount of international constabulary work by the United States could maintain stability. Likewise, if it is true that such a shift has occurred, then most of what the hegemon spends to bring stability would be wasted. The 5 percent of the worlds population that live in the United States simply could not force peace upon an unwilling 95. At the risk of beating the metaphor to death, the United States maybe patrolling a neighborhood that has already rid itself of crime. Stability and unipolarity may be simply coincidental. In order for U.S. hegemony to be the reason for global stability, the rest of the world would have to expect reward for good behavior and fear punishment for bad. Since the end of the Cold War, the United States has not always proven to be especially eager to engage in humanitarian interventions abroad. Even rather incontrovertible evidence of genocide has not been sufficient to inspire action. Hegemonic stability can only take credit for influencing those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. Ethiopia and Eritrea are hardly the only states that could go to war without the slightest threat of U.S. intervention. Since most of the world today is free to fight without U.S. involvement, something else must be at work. Stability exists in many places where no hegemony is present.¶ Second, the limited empirical evidence we have suggests that there is little connection between the relative level of U.S. activism and international stability. During the 1990s the United States cut back on its defense spending fairly substantially. By 1998 the United States was spending $100 billion less on defense in real terms than it had in I990.72 To internationalists, defense 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 Kristol and Kagan, "doubts that the defense budget has been cut much too far to meet America's responsibilities to itself and to world peace."7' If the pacific trends were due not to U.S. hegemony but a strengthening norm against interstate war, however, one would not have expected an increase in global instability and violence.¶ The verdict from the past two decades 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 Pentagon, 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 mistrust and arms races; no regional balancing occurred once the stabilizing presence of the U.S. 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 U.S. capabilities. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and it kept declining as the Bush Administration ramped spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. It is also worth noting for our purposes that the United States was no less safe.

#### Retrenchment now- transition to multipolarity and offshore balancing solves their offence

Layne 12 The (Almost) Triumph of Offshore Balancing, Christopher Layne, January 27, 2012, Christopher Layne is professor and Robert M. Gates Chair in National Security at Texas A & M University’s George H. W. Bush School of Government and Public Service. http://nationalinterest.org/commentary/almost-triumph-offshore-balancing-6405?page=1

Although cloaked in the reassuring boilerplate about American military preeminence and global leadership, in reality the Obama administration’s new Defense Strategic Guidance (DSG) is the first step in the United States’ adjustment to the end of the Pax Americana—the sixty-year period of dominance that began in 1945. As the Pentagon document says—without spelling out the long-term grand-strategic implications—the United States is facing “an inflection point.” In plain English, a profound power shift in international politics is taking place, which compels a rethinking of the U.S. world role. The DSG is a response to two drivers. First, the United States is in economic decline and will face a serious fiscal crisis by the end of this decade. As President Obama said, the DSG reflects the need to “put our fiscal house in order here at home and renew our long-term economic strength.” The best indicators of U.S. decline are its GDP relative to potential competitors and its share of world manufacturing output. China’s manufacturing output has now edged past that of the United States and accounts for just over 18 or 19 percent of world manufacturing output. With respect to GDP, virtually all leading economic forecasters agree that, measured by market-exchange rates, China’s aggregate GDP will exceed that of the United States by the end of the current decade. Measured by purchasing-power parity, some leading economists believe China already is the world’s number-one economy. Clearly, China is on the verge of overtaking the United States economically. At the end of this decade, when the ratio of U.S. government debt to GDP is likely to exceed the danger zone of 100 percent, the United States will face a severe fiscal crisis. In a June 2011 report, the Congressional Budget Office warned that unless Washington drastically slashes expenditures—including on entitlements and defense—and raises taxes, it is headed for a fiscal train wreck. Moreover, concerns about future inflation and America’s ability to repay its debts could imperil the U.S. dollar’s reserve-currency status. That currency status allows the United States to avoid difficult “guns-or-butter” trade-offs and live well beyond its means while enjoying entitlements at home and geopolitical preponderance abroad. But that works only so long as foreigners are willing to lend the United States money. Speculation is now commonplace about the dollar’s long-term hold on reserve-currency status. It would have been unheard of just a few years ago. The second driver behind the new Pentagon strategy is the shift in global wealth and power from the Euro-Atlantic world to Asia. As new great powers such as China and, eventually, India emerge, important regional powers such as Russia, Japan, Turkey, Korea, South Africa and Brazil will assume more prominent roles in international politics. Thus, the post-Cold War “unipolar moment,” when the United States commanded the global stage as the “sole remaining superpower,” will be replaced by a multipolar international system. The Economist recently projected that China’s defense spending will equal that of the United States by 2025. By the middle or end of the next decade, China will be positioned to shape a new international order based on the rules and norms that it prefers—and, perhaps, to provide the international economy with a new reserve currency. Two terms not found in the DSG are “decline” and “imperial overstretch” (the latter coined by the historian Paul Kennedy to describe the consequences when a great power’s economic resources can’t support its external ambitions). But, although President Obama and Defense Secretary Leon Panetta may not admit it, the DSG is the first move in what figures to be a dramatic strategic retrenchment by the United States over the next two decades. This retrenchment will push to the fore a new U.S. grand strategy—offshore balancing. In a 1997 article in International Security, I argued that offshore balancing would displace America’s primacy strategy because it would prove difficult to sustain U.S. primacy in the face of emerging new powers and the erosion of U.S. economic dominance. Even in 1997, it was foreseeable that as U.S. advantages eroded, there would be strong pressures for the United States to bring its commitments into line with its shrinking economic base. This would require scaling back the U.S. military presence abroad; setting clear strategic priorities; devolving the primary responsibility for maintaining security in Europe and East Asia to regional actors; and significantly reducing the size of the U.S. military. Subsequent to that article, offshore balancing has been embraced by other leading American thinkers, including John Mearsheimer, Stephen Walt, Barry Posen, Christopher Preble and Robert Pape. To be sure, the proponents of offshore balancing have differing ideas about its specifics. But they all agree that offshore balancing is based on a common set of core strategic principles. Fiscal and economic constraints require that the United States set strategic priorities. Accordingly, the country should withdraw or downsize its forces in Europe and the Middle East and concentrate is military power in East Asia. Americas comparative strategic advantages rest on naval and air power, not on sending land armies to fight ground wars in Eurasia. Thus the United States should opt for the strategic precepts of Alfred Thayer Mahan (the primacy of air and sea power) over those of Sir Halford Mackinder (the primacy of land power). Offshore balancing is a strategy of burden shifting, not burden sharing. It is based on getting other states to do more for their security so the United States can do less. By reducing its geopolitical and military footprint on the ground in the Middle East, the United States can reduce the incidence of Islamic fundamentalist terrorism directed against it. Islamic terrorism is a push back against U.S. dominance and policies in the region and against on-the-ground forces in the region. The one vital U.S. interest there—safeguarding the free flow of Persian Gult oil—can be ensured largely by naval and air power. The United States must avoid future large-scale nation-building exercises like those in Iraq and Afghanistan and refrain from fighting wars for the purpose of attaining regime change. Several of these points are incorporated in the new DSG. For example, the new strategy document declares that the United States “will of necessity rebalance toward the Asia-Pacific region.” The document also states the United States will “rebalance [its] military investment in Europe” and that the American military posture on the Continent must “evolve.” (The Pentagon’s recent decision to cut U.S. ground forces in Europe from four brigades to two is an example of this “evolution.”) Finally, implicitly rejecting the post-9/11 American focus on counterinsurgency, the strategy document says that with the end of the Iraq war and the winding down of the conflict in Afghanistan, “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.” The DSG reflects the reality that offshore balancing has jumped from the cloistered walls of academe to the real world of Washington policy making. In recent years the U.S. Navy, the Joint Staff and the National Intelligence Council all have shown interest in offshore balancing as an alternative to primacy. Indeed, in his February 2011 West Point speech, then defense secretary Robert Gates made two key points that expressed a clear strategic preference for Mahan over Mackinder. First, he said that “the most plausible, high-end scenarios for the U.S. military are primarily naval and air engagements—whether in Asia, the Persian Gulf, or elsewhere.” Second—with an eye on the brewing debate about intervention in Libya—he declared that “any future defense secretary who advises the president to again send a big American land army into Asia or into the Middle East or Africa should ‘have his head examined,’ as General MacArthur so delicately put it.” In plain English, no more Eurasian land wars. The subsequent Libyan intervention bore the hallmarks of offshore balancing: The United States refused to commit ground forces and shifted the burden of military heavy lifting to the Europeans. Still, within the DSG document there is an uneasy tension between the recognition that economic constraints increasingly will impinge on the U.S. strategic posture and the assertion that America’s global interests and military role must remain undiminished. This reflects a deeper intellectual dissonance within the foreign-policy establishment, which is reluctant to accept the reality of American decline. In August 2010, Secretary of State Hillary Clinton proclaimed a “New American Moment;” reaffirmed the U.S. responsibility to lead the world; and laid out an ambitious U.S. global agenda. More recently, Mitt Romney, a leading contender for the Republican presidential nomination, declared that the twenty-first century “must be an American century” and that “America is not destined to be one of several equally balanced global powers.” These views are echoed by foreign-policy scholars who refuse to acknowledge the reality of decline or embrace a theory of “painless decline” whereby Pax Americana’s norms and institutions will survive any American retrenchment. But, American “exceptionalism” notwithstanding, the United States is not exempt from the historical pattern of great-power decline. The country needs to adjust to the world of 2025 when China will be the number-one economy and spending more on defense than any other nation. Effective strategic retrenchment is about more than just cutting the defense budget; it also means redefining America’s interests and external ambitions. Hegemonic decline is never painless. As the twenty-first century’s second decade begins, history and multipolarity are staging a comeback. The central strategic preoccupation of the United States during the next two decades will be its own decline and China’s rise.

#### Plan’s insufficient

Hilde 9 Beyond Guantánamo - Restoring U.S. Credibility on Human Rights, 2009, Thomas C. Hilde is a professor at the University of Maryland School of Public Policy where he teaches seminars in ethics and policy and international environmental and development law and politics, http://www.lb.boell.org/web/113-239.html

How to restore the credibility of a country whose foundations and self-understanding are based on the universality of freedom and human rights, but that has violated precisely those rights by practicing torture in Guantánamo and other prisons around the world?¶ The image of the United States as a role model of liberal democracy has suffered tremendously over the last eight years. In the name of the global war on terror, former President Bush suspended the law for those detained as possible terrorists. Even though President Obama’s promise to close Guantánamo is recognized by the international community as a first step towards restoring U.S. credibility, several problems require comprehensive policy solutions:¶ How to proceed with detainees that are considered to be dangerous?¶ What to do with detainees who are cleared of suspicion, but might face torture in their country of origin?¶ How to cope with evidence that is derived from torture?¶ Thomas C. Hilde outlines several post-Guantánamo detainee policy proposals – and their difficulties – that address these distinctive sets of issues, such as military commission trials, continued preventive detention, a national security court or U.S. criminal court trials. In the long run, however, restoring credibility through a reformed detainee policy is only one component of post-Guantánamo credibility; the second indispensable element is accountability.¶ Prof. Hilde discusses the functions of different forms of accountability in the process of reestablishing U.S. credibility on human rights. Whereas legal accountability requires the formal investigations of human rights violations, public-moral and pragmatic accountability refer to the need to address the norms on which international society is based. Moreover, a public discourse is needed that confronts the stories of those who have suffered human rights violations and the empathetic aspect of human rights.¶ A more comprehensive form of accountability can serve as both a means towards regaining U.S. credibility and a strengthening of human rights culture

#### Warming inevitable

Mims 12 Christopher Mims, 3-26-2012, “Climate scientists: It’s basically too late to stop warming,” Grist, http://grist.org/list/climate-scientists-its-basically-too-late-to-stop-warming/

If you like cool weather and not having to club your neighbors as you battle for scarce resources, now’s the time to move to Canada, because the story of the 21st century is almost written, reports Reuters. Global warming is close to being irreversible, and in some cases that ship has already sailed. Scientists have been saying for a while that we have until between 2015 and 2020 to start radically reducing our carbon emissions, and what do you know: That deadline’s almost past! Crazy how these things sneak up on you while you’re squabbling about whether global warming is a religion. Also, our science got better in the meantime, so now we know that no matter what we do, we can say adios to the planet’s ice caps. For ice sheets — huge refrigerators that slow down the warming of the planet — the tipping point has probably already been passed, Steffen said. The West Antarctic ice sheet has shrunk over the last decade and the Greenland ice sheet has lost around 200 cubic km (48 cubic miles) a year since the 1990s. Here’s what happens next: Natural climate feedbacks will take over and, on top of our prodigious human-caused carbon emissions, send us over an irreversible tipping point. By 2100, the planet will be hotter than it’s been since the time of the dinosaurs, and everyone who lives in red states will pretty much get the apocalypse they’ve been hoping for. The subtropics will expand northward, the bottom half of the U.S. will turn into an inhospitable desert, and everyone who lives there will be drinking recycled pee and struggling to salvage something from an economy wrecked by the destruction of agriculture, industry, and electrical power production. Water shortages, rapidly rising seas, superstorms swamping hundreds of billions of dollars’ worth of infrastructure: It’s all a-coming, and anyone who is aware of the political realities knows that the odds are slim that our government will move in time to do anything to avert the biggest and most avoidable disaster short of all-out nuclear war. Even if our government did act, we can’t control the emissions of the developing world. China is now the biggest emitter of greenhouse gases on the planet and its inherently unstable autocratic political system demands growth at all costs. That means coal.

#### No impact to warming

**Lindzen 9**—Richard S. Lindzen is the Alfred P. Sloan Professor of Atmospheric Sciences at Massachusetts Institute of Technology.

“Resisting climate hysteria” 8-14-09 <http://www.thepeoplesvoice.org/TPV3/Voices.php/2009/08/14/resisting-climate-hysteria> Accessed date: 7-15-12 y2k

Climate alarmists respond that some of the hottest years on record have occurred during the past decade. Given that we are in a relatively warm period, this is not surprising, but it says nothing about trends. Given that the evidence (and I have noted only a few of many pieces of evidence) strongly implies that anthropogenic warming has been greatly exaggerated, the basis for alarm due to such warming is similarly diminished. However, a really important point is that the case for alarm would still be weak even if anthropogenic global warming were significant. Polar bears, arctic summer sea ice, regional droughts and floods, coral bleaching, hurricanes, alpine glaciers, malaria, etc. etc. all depend not on some global average of surface temperature anomaly, but on a huge number of regional variables including temperature, humidity, cloud cover, precipitation, and direction and magnitude of wind. The state of the ocean is also often crucial. Our ability to forecast any of these over periods beyond a few days is minimal (a leading modeler refers to it as essentially guesswork). Yet, each catastrophic forecast depends on each of these being in a specific range. The odds of any specific catastrophe actually occurring are almost zero. This was equally true for earlier forecasts of famine for the 1980's, global cooling in the 1970's, Y2K and many others. Regionally, year to year fluctuations in temperature are over four times larger than fluctuations in the global mean. Much of this variation has to be independent of the global mean; otherwise the global mean would vary much more. This is simply to note that factors other than global warming are more important to any specific situation. This is not to say that disasters will not occur; they always have occurred and this will not change in the future. Fighting global warming with symbolic gestures will certainly not change this. However, history tells us that greater wealth and development can profoundly increase our resilience.

#### Adaptation checks- plan prevents

Borick and Rabe 12 Christopher Borick, Prof @ Muhlenberg, and Barry G. Rabe, senior fellow @ Brookings, May 2012, “Americans Cool on Geoengineering Approaches to Addressing Climate Change,” Issues in Governance Studies, Iss. 47, http://www.brookings.edu/~/media/research/files/papers/2012/5/30%20geo%20engineering%20rabe%20borick/30%20geo%20engineering%20rabe%20borick.pdf

With expanding concern that climate change is already impacting environments around the planet there has been increasing discussion and planning for methods of climate adaptation. From measures to fortify coastal areas from rising sea levels to research on agricultural practices during prolonged droughts, climate adaptation efforts are intensifying on an international level. Given the limited success in efforts to mitigate increasing temperatures, some have suggested that governments would be better served if they concentrated on finding ways to adapt to a warmer planet rather than trying to stop warming from happening. This could involve a wide range of initiatives such as adjusting to higher temperatures or rising sea levels. The results of the NSAPOCC, which was fielded in December of 2011, indicate that the American public largely rejects the notion that governments should stop mitigation efforts and turn to adaptation measures. Two out of every three Americans said that they do not agree that we should shift attention away from trying to stop global warming and instead focus on adaptation.

#### Alt cause- Deforestation

Howden 7 Daniel, 5/14/2007, The Independent, “Deforestation: The hidden cause of global warming”, http://www.independent.co.uk/environment/climate-change/deforestation-the-hidden-cause-of-global-warming-448734.html

The accelerating destruction of the rainforests that form a precious cooling band around the Earth's equator, is now being recognised as one of the main causes of climate change. Carbon emissions from deforestation far outstrip damage caused by planes and automobiles and factories. The rampant slashing and burning of tropical forests is second only to the energy sector as a source of greenhouses gases according to report published today by the Oxford-based Global Canopy Programme, an alliance of leading rainforest scientists. Figures from the GCP, summarising the latest findings from the United Nations, and building on estimates contained in the Stern Report, show deforestation accounts for up to 25 per cent of global emissions of heat-trapping gases, while transport and industry account for 14 per cent each; and aviation makes up only 3 per cent of the total. "Tropical forests are the elephant in the living room of climate change," said Andrew Mitchell, the head of the GCP. Scientists say one days' deforestation is equivalent to the carbon footprint of eight million people flying to New York. Reducing those catastrophic emissions can be achieved most quickly and most cheaply by halting the destruction in Brazil, Indonesia, the Congo and elsewhere. No new technology is needed, says the GCP, just the political will and a system of enforcement and incentives that makes the trees worth more to governments and individuals standing than felled. "The focus on technological fixes for the emissions of rich nations while giving no incentive to poorer nations to stop burning the standing forest means we are putting the cart before the horse," said Mr Mitchell. Most people think of forests only in terms of the CO2 they absorb. The rainforests of the Amazon, the Congo basin and Indonesia are thought of as the lungs of the planet. But the destruction of those forests will in the next four years alone, in the words of Sir Nicholas Stern, pump more CO2 into the atmosphere than every flight in the history of aviation to at least 2025. Indonesia became the third-largest emitter of greenhouse gases in the world last week. Following close behind is Brazil. Neither nation has heavy industry on a comparable scale with the EU, India or Russia and yet they comfortably outstrip all other countries, except the United States and China. What both countries do have in common is tropical forest that is being cut and burned with staggering swiftness. Smoke stacks visible from space climb into the sky above both countries, while satellite images capture similar destruction from the Congo basin, across the Democratic Republic of Congo, the Central African Republic and the Republic of Congo. According to the latest audited figures from 2003, two billion tons of CO2 enters the atmosphere every year from deforestation. That destruction amounts to 50 million acres - or an area the size of England, Wales and Scotland felled annually. The remaining standing forest is calculated to contain 1,000 billion tons of carbon, or double what is already in the atmosphere. As the GCP's report concludes: "If we lose forests, we lose the fight against climate change." Standing forest was not included in the original Kyoto protocols and stands outside the carbon markets that the report from the International Panel on Climate Change (IPCC) pointed to this month as the best hope for halting catastrophic warming. The landmark Stern Report last year, and the influential McKinsey Report in January agreed that forests offer the "single largest opportunity for cost-effective and immediate reductions of carbon emissions". International demand has driven intensive agriculture, logging and ranching that has proved an inexorable force for deforestation; conservation has been no match for commerce. The leading rainforest scientists are now calling for the immediate inclusion of standing forests in internationally regulated carbon markets that could provide cash incentives to halt this disastrous process. Forestry experts and policy makers have been meeting in Bonn, Germany, this week to try to put deforestation on top of the agenda for the UN climate summit in Bali, Indonesia, this year. Papua New Guinea, among the world's poorest nations, last year declared it would have no choice but to continue deforestation unless it was given financial incentives to do otherwise. Richer nations already recognise the value of uncultivated land. The EU offers €200 (£135) per hectare subsidies for "environmental services" to its farmers to leave their land unused. And yet there is no agreement on placing a value on the vastly more valuable land in developing countries. More than 50 per cent of the life on Earth is in tropical forests, which cover less than 7 per cent of the planet's surface. They generate the bulk of rainfall worldwide and act as a thermostat for the Earth. Forests are also home to 1.6 billion of the world's poorest people who rely on them for subsistence. However, forest experts say governments continue to pursue science fiction solutions to the coming climate catastrophe, preferring bio-fuel subsidies, carbon capture schemes and next-generation power stations. Putting a price on the carbon these vital forests contain is the only way to slow their destruction. Hylton Philipson, a trustee of Rainforest Concern, explained: "In a world where we are witnessing a mounting clash between food security, energy security and environmental security - while there's money to be made from food and energy and no income to be derived from the standing forest, it's obvious that the forest will take the hit."

#### No extinction

Posner 4 Richard, Judge – US Court of Appeals, Catastrophe: Risk and Response, p. 22-24

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race. There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. The AIDS virus is an example of a lethal virus, wholly natural, that by lying dormant yet infectious in its host for years maximizes its spread. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease. The reason is improvements in medical science. But the comfort is a small one. Pandemics can still impose enormous losses and resist prevention and cure: the lesson of the AIDS pandemic. And there is always a lust time.

## Adv 2

#### Court no longer modeled worldwide

Liptak, Sept 17, 2008

(Adam, New York Times, U.S. Court Is Now Guiding Fewer Nations, <http://www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all&_r=0>)

WASHINGTON — Judges around the world have long looked to the decisions of the United States Supreme Court for guidance, citing and often following them in hundreds of their own rulings since the Second World War. But now American legal influence is waning. Even as a debate continues in the court over whether its decisions should ever cite foreign law, a diminishing number of foreign courts seem to pay attention to the writings of American justices.¶ “One of our great exports used to be constitutional law,” said Anne-Marie Slaughter, the dean of the Woodrow Wilson School of Public and International Affairs at Princeton. “We are losing one of the greatest bully pulpits we have ever had.”From 1990 through 2002, for instance, the Canadian Supreme Court cited decisions of the United States Supreme Court about a dozen times a year, an analysis by The New York Times found. In the six years since, the annual citation rate has fallen by half, to about six.¶ Australian state supreme courts cited American decisions 208 times in 1995, according to a recent study by Russell Smyth, an Australian economist. By 2005, the number had fallen to 72.¶ The story is similar around the globe, legal experts say, particularly in cases involving human rights. These days, foreign courts in developed democracies often cite the rulings of the European Court of Human Rights in cases concerning equality, liberty and prohibitions against cruel treatment, said Harold Hongju Koh, the dean of the Yale Law School. In those areas, Dean Koh said, “they tend not to look to the rulings of the U.S. Supreme Court.”¶ The rise of new and sophisticated constitutional courts elsewhere is one reason for the Supreme Court’s fading influence, legal experts said. The new courts are, moreover, generally more liberal than the Rehnquist and Roberts courts and for that reason more inclined to cite one another.¶ Another reason is the diminished reputation of the United States in some parts of the world, which experts here and abroad said is in part a consequence of the Bush administration’s unpopularity around the world. Foreign courts are less apt to justify their decisions with citations to cases from a nation unpopular with their domestic audience.“ It’s not surprising, given our foreign policy in the last decade or so, that American influence should be declining,” said Thomas Ginsburg, who teaches comparative and international law at the University of Chicago.

#### Alt causes---PRISM

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

Although the United States and the EU both recognize the importance of sharing information in an effort to track and disrupt terrorist activity, data privacy has been and continues to be a key U.S.-EU sticking point. As noted previously, the EU considers the privacy of personal data a basic right; EU data privacy regulations set out common rules for public and private entities in the EU that hold or transmit personal data, and prohibit the transfer of such data to countries where legal protections are not deemed “adequate.” In the negotiation of several U.S.-EU informationsharing agreements, from those related to Europol to SWIFT to airline passenger data, some EU officials have been concerned about whether the United States could guarantee a sufficient level of protection for European citizens’ personal data. In particular, some Members of the European Parliament (MEPs) and many European civil liberty groups have long argued that elements of U.S.-EU information-sharing agreements violate the privacy rights of EU citizens. In light of the public revelations in June 2013 of U.S. National Security Agency (NSA) surveillance programs and news reports alleging that U.S. intelligence agencies have monitored EU diplomatic offices and computer networks, many analysts are worried about the future of U.S.-EU information-sharing arrangements. As discussed in this section, many of these U.S.-EU information-sharing agreements require the approval of the European Parliament, and many MEPs (as well as many officials from the European Commission and the national governments) have been deeply dismayed by the NSA programs and other spying allegations. In response, the Parliament passed a resolution expressing serious concerns about the U.S. surveillance operations and established a special working group to conduct an in-depth investigation into the reported programs.17 In addition, led by the European Commission and the U.S. Department of Justice, the United States and the EU have convened a joint expert group on the NSA’s surveillance operations, particularly the so-called PRISM program (in which the NSA reportedly collected data from leading U.S. Internet companies), to assess the “proportionality” of such programs and their implications for the privacy rights of EU citizens.18 U.S. officials have sought to reassure their EU counterparts that the PRISM program and other U.S. surveillance activities operate within U.S. law and are subject to oversight by all three branches of the U.S. government. Some observers note that the United States has been striving to demonstrate that it takes EU concerns seriously and is open to improving transparency, in part to maintain European support for existing information-sharing accords, such as SWIFT (which will be up for renewal in 2015), and the U.S.-EU Passenger Name Record agreement (up for renewal in 2019). Nevertheless, many experts predict that the revelations of programs such as PRISM will make the negotiation of future U.S.-EU information-sharing arrangements more difficult, and may make the European Parliament even more cautious and skeptical about granting its approval.

#### Democracy itself is unique to each country – there is no model.

**Hunt ‘11** (Albert H, Albert R. Hunt is the executive editor for Washington at Bloomberg News, BLOOMBERG'S AL HUNT URGES SUPPORT FOR IRI AND NDI'S WORK, February 27, 2011, <http://www.iri.org/news-events-press-center/news/bloombergs-al-hunt-urges-support-iri-and-ndis-work>)

No One Model -- Every country has to devise a different system, tailored to its situation. “It’s impossible to have one model,” says Kenneth Wollack, president of the National Democratic Institute. “Chile is different than the Philippines, which is different than Indonesia.” Whether a country picks a president or prime minister, and what type parliamentary system is adopted – a bicameral or unicameral legislature, proportional representation or winner-take-all – aren’t easy choices. Israel, one of the most robust democracies in the world, has an electoral system that borders on dysfunctional. – Creating a democratic government can’t be done easily or quickly. “There’s no such thing as instant democracy,” says former Secretary of State Madeleine Albright, who chairs the National Democratic Institute. Some experts are especially worried that Egypt might rush to satisfy the understandable demand for quick elections. Currently, a ballot is scheduled for September.

#### Defining a state as a 'nondemocracy' is the first step into a conflict

**Radnitsky ‘3** (Is Democracy More Peaceful than Other Forms of Government? Gerard Radnitzky, Emeritus Professor of Science at the University of Trier, 2003 p.g 163-4

ON THE FORMULATION OF THE DEMOCRATIC PEACE DOCTRINE If the thesis “Democracy is more peaceful than other forms of government” is universally quantified (“All democracies . . .”), it is falsified by a single counterexample. If it is formulated as a tendency statement, testing it requires statistical investiga- tions. And if taken as asserting that democracies do not often initiate wars against others, it is immediately falsified, since this has happened innumerable times. Therefore, its scope is restricted, while its specificity is increased: “Democracies do not make war against other democracies.” That thesis has become the received wisdom and has been influential in guid- ing U.S. policymakers as well as scholars of international rela- tions. Therefore, as we would expect, the first gambit in a conflict will be that each side of a conflict will declare that its opponent (“partner in a potential conflict”) is not “really” a democracy and will use the popular-populist definition (explication of the concept): “one-man–one-vote” rule, and elections at regular intervals. Hence, the first bone of contention will be the defi- nition of the concept of democracy.38 For a bellicose democratic president, this gambit is naturally the opening move. The con- cept of democracy becomes a jellyfish; you define it in such a way that the other party to the conflict automatically becomes a “nondemocracy.” In this way, the statement “Democracies do not make war with each other” becomes a truism, an analytic sentence without content of empirical information.

#### Democracy doesn’t solve war – allows nationalism to rule government choices

**Rosato ‘3** Sebastian Rosato, PhD @ The University of Chicago, AMERICAN POLITICAL SCIENCE REVIEW, The Flawed Logic of Democratic Peace Theory, vol. 97, issue 4, pg. 11

Second, any public aversion to incurring the costs of war may be overwhelmed by the effects of nationalism. In addition to the growth of democracy, one of the most striking features of the modern period is that people have come to identify themselves, above all, with the nation state. This identification has been so powerful that ordinary citizens have repeatedly demonstrated a willingness to fight and die for the continued existence of their state and the security of their co-nationals. There are, then, good reasons to believe that if the national interest is thought to be at stake, as it is in most interstate conflicts, calculations of costs will not figure prominently in the public’s decision process. Third, democratic leaders are as likely to lead as to follow public opinion. Since nationalism imbues people with a powerful spirit of self-sacrifice, it is actively cultivated by political elites in the knowledge that only highly motivated armies and productive societies will prevail in modern warfare (e.g., Posen 1993). Democratically elected leaders are likely to be well placed to cultivate nationalism, especially because their governments are often perceived as more representative and legitimate than authoritarian regimes. Any call to defend or spread “our way of life,” for example, is likely to have a strong resonance in democratic polities, and indeed the historical record suggests that wars have often given democratic leaders considerable freedom of action, allowing them to drum up nationalistic fervor, shape public opinion, and suppress dissent despite the obligation to allow free and open discussion.

#### No Russia war---no motive or capability

Betts 13 Richard is the Arnold A. Saltzman Professor of War and Peace Studies @ Columbia. “The Lost Logic of Deterrence,” Foreign Affairs, March/April, Vol. 92, Issue 2, Online

These continuities with the Cold War would make sense only between intense adversaries. Washington and Moscow remain in an adversarial relationship, but not an intense one. If the Cold War is really over, and the West really won, then continuing implicit deterrence does less to protect against a negligible threat from Russia than to feed suspicions that aggravate political friction. In contrast to during the Cold War, it is now hard to make the case that Russia is more a threat to NATO than the reverse. First, the East-West balance of military capabilities, which at the height of the Cold War was favorable to the Warsaw Pact or at best even, has not only shifted to NATO's advantage; it has become utterly lopsided. Russia is now a lonely fraction of what the old Warsaw Pact was. It not only lost its old eastern European allies; those allies are now arrayed on the other side, as members of NATO. By every significant measure of power -- military spending, men under arms, population, economic strength, control of territory -- NATO enjoys massive advantages over Russia. The only capability that keeps Russia militarily potent is its nuclear arsenal. There is no plausible way, however, that Moscow's nuclear weapons could be used for aggression, except as a backstop for a conventional offensive -- for which NATO's capabilities are now far greater.¶ Russia's intentions constitute no more of a threat than its capabilities. Although Moscow's ruling elites push distasteful policies, there is no plausible way they could think a military attack on the West would serve their interests. During the twentieth century, there were intense territorial conflicts between the two sides and a titanic struggle between them over whose ideology would dominate the world. Vladimir Putin's Russia is authoritarian, but unlike the Soviet Union, it is not the vanguard of a globe-spanning revolutionary ideal.

#### Missle Defense removal improved relations and the system thumps the link

Kashmeri, 3/25/2013 [Sarwar, Adjunct Professor-Norwich U;Senior Fellow-Atlantic Council; Fellow-Foreign Policy Assoc. Obama Visit to Israel Key Link in Redesign of U.S. Foreign Policy http://www.huffingtonpost.com/sarwar-kashmeri/obama-israel-policy\_b\_2936550.html Accessed 3/26/2013 DMW]

American-Russian relations have suffered because of the U.S. plans to deploy an anti-missile system on the borders of Russia. To be set up in four phases through 2020, this battery of anti-missile weapons is being rolled out to protect Europeans from Iranian missiles. But the Russians have never seen it that way. They see it as an American attempt to weaken the deterrent effect of Russia's long range nuclear arsenal. Although the Russians object to the entire anti-missile project it is the project's fourth phase, in which sophisticated interceptors would be deployed in Poland and perhaps Romania, that is of particular concern to them.¶ Secretary of Defense Chuck Hagel announced last week that this phase will now be abandoned. There were technical and funding reasons that also contributed to the decision, but a major irritant to American-Russian relations is now off the table.

#### Russia is stable and the impact is empirically denied

Zavinovsky 12 (2-7-12-[ Konstantin Zavinovsky is editor of "Geopolitics" magazine and researcher at the Institute of Advanced Studies in Geopolitics and Auxiliary Sciences (ISAG) "Political And Economic Stability In Russia Will Attract Foreign Investment" Claims Institute; ROME, February 7, 2012 /PRNewswire/ -- <http://www.prnewswire.com/news-releases/political-and-economic-stability-in-russia-will-attract-foreign-investment-claims-institute-138864439.html>]

Konstantin Zavinovsky of the Institute of Advanced Studies in Geopolitics and Auxiliary Sciences, has said that relative economic growth in Russia in recent years has improved the quality of life in Russia, and the prospect of foreign direct investment into the country. Zavinovsky said: "The Russian economy in the last decade has seen a steady growth. After the economic crisis in the late 90s, starting from 2000 GDP per capita in Russia increased steadily rising from about $ 7600 in 2000 to nearly $ 17000 in 2011. This means that the index more than doubled in 10 years. The growth was interrupted only for a year because of the 2008 financial crisis which produced a slight decline in GDP per capita in 2009. But already next year, in 2010, this index started to grow and almost reached pre-crisis level. According to the forecasts of the International Monetary Fund (IMF) the index will grow steadily over the next year to nearly $ 22000 in 2016. We should add that in the same period inflation in the country declined from 20.78% in 2000 to 8.8% in 2011 (6.1%, according to the Russian Ministry of Finance - Minfin) and according to the forecast of the IMF inflation in Russia is to diminish in future and will reach 6.64% in 2014 (4.5%, according to Minfin). "With the rise of income the quality of life of Russian citizens in recent years has improved considerably. And thus the image of Russians in the world has also changed. For example, in Italy 10 years ago the Russians were seen as a backward people, rather poor and far away from European civilization, now the Russians have become a symbol of wealth and economic well-being. Russian customers are very appreciated in Italy both by small traders on the narrow streets of Rome, Florence andVenice and by the great Italian fashion designers such as Salvatore Ferragamo, who believes Russians to be "customers number one in Europe". Precisely for this reason at the end of last year the Michele Norsa CEO announced that "over the next five years we expect to double sales volume in Russia, where the growth will be +20% annually over the past 24 months". Dirk Bikkemberg also stated that Russian clients are the target of extreme importance because thanks to them flagship store in Milan, considered by many as a loss, not only got in balance with the accounts but also opened 47 new stores in 2011. Italian newspapers say that due to purchases of Russian clients sales of the Italian outlets in contrast to the general crisis. The most important Italian financial newspaper Il Sole 24 Ore suggested making investments in the Russian ruble bacause Russia has a high economic growth and its national debt is very low. The tourism industry that made Italy famous also makes plans with a focus on the Russian customers. The examples are numerous and cover many sectors, while news of this kind are discussed widely in the Italian press. This shows that currently the Italian business world has confidence in the Russian market and is ready to invest in it. "So in only 10 years, Russia managed to change her image in Italy (in Europe and the world). Today it appears as a stable country, a country with an economic growth and with many investment opportunities. This change wasn't an easy one and required great efforts from the Russian government in 2000 when Russia was economically weak - in 2000 GDP was almost half of that of 1992. Today Russia's GDP is nearly 7 times bigger than that of 2000 and amounts to nearly 2 trillion dollars. According to IMF, this figure is expected to rise and in 2016 GDP will amount to 3 trillion. The increase of Russia's prestige in the eyes of the Europeans and the strong economic growth were possible thanks to political and economic stability of the country which was a merit of politicians who led Russia in recent years. The political destabilization of Russia would lead to distrust of the future of the Russian market and foreign capitals would flee from the country. So Russia should continue to move in the same direction of political stability if it wants to preserve and enhance the economic well-being and thus to remain an attractive country for foreign investment."

## Solvency

#### Hard to charge terrorists- also creates incentive to kill on battlefield

Yin 11 [Tung, Professor of Law, Lewis & Clark Law School. J.D., 1995, University of California, Berkeley HUMAN RIGHTS & U.S. STANDING UNDER THE OBAMA ADMINISTRATION: Broken Promises or Unrealistic Expectations?: Comparing the Bush and Obama Administrations on Counterterrorism LexisNexis, 8/10/2013 DMW]

A second problem with exclusive reliance on the Law Enforcement Paradigm is that one must identify potential crimes committed by all members of al Qaeda and possibly members of the Taliban if one is to incapacitate them from engaging further attacks against the United States. n142 Even if the United States were to obtain lawful custody of al Qaeda members, what crimes would they be charged with? For those key members of al Qaeda who planned and directed the 9/11 attacks but did not actually carry out the suicide missions, this is not a difficult question. For example, the perpetrators of the December 2000 bombing of the U.S.S. Cole (while it was docked in a port in Yemen) were indicted on fifty counts of terrorism-related offenses, including conspiracy to murder U.S. military personnel and conspiracy to use weapons of mass destruction. n143¶ However, not all members of al Qaeda - and few, if any, members of the Taliban - could be said to have either aided and abetted the 9/11 attackers or to have conspired to carry out the 9/11 attacks. Under federal law, aiding and abetting involves "willfully causing an act to be done which if directly performed ... would be an offense against the United States." n144 Similarly, conspiracy requires a showing that the defendant agreed with one or more [\*492] persons to commit an offense against the United States. n145 Thus, only members of al Qaeda or the Taliban who agreed to help carry out the 9/11 attacks could be charged with conspiring to commit, or aiding and abetting, the 9/11 attackers. n146¶ Conspiracy, as an inchoate crime with broad applicability, has been described as the "darling of the modern prosecutor's nursery." n147 The ability to hold conspirators criminally liable for the substantive misdeeds of their co-conspirators based only on an agreement to commit a crime is a powerful tool. Even so, conspiracy law would be stretched beyond recognition to cover suspected al Qaeda or Taliban fighters who had not agreed to any particular terrorism plot. It is not enough to say that suspected al Qaeda fighters could be prosecuted for conspiracy because they were members of a terrorist group dedicated to attacking the United States. Conspiracy requires agreement between the conspirators "on the essential nature of the plan." n148 Attacking the United States is too amorphous and vague a concept to constitute the essential nature of a plan. Some fighters might see themselves as repelling American invaders from Afghanistan, and it is difficult to see how that would be a violation of U.S. law, let alone an appropriate basis for a conspiracy charge.¶ One must turn to the case of Yaser Esam Hamdi to see the full limitations of the Law Enforcement Paradigm. Hamdi was a dual U.S.-Saudi citizen captured in Afghanistan while supposedly fighting on behalf of the Taliban against the Northern Alliance and U.S. military forces. n149 After the U.S. military took custody of him, it sent him to Guantanamo Bay until it discovered through interrogation that he had been born in Louisiana and hence was a U.S. citizen. n150 He was transferred to a Navy brig in Norfolk, Virginia, where he continued to be held as an enemy combatant until late 2004, when he was released pursuant to an agreement with the United [\*493] States. n151 For those who solely endorse the Law Enforcement Paradigm, the question becomes: what should the United States do with a captured fighter like Hamdi? n152 The only options under the Law Enforcement Paradigm would be to prosecute him for a civilian crime or to release him. n153¶ If Hamdi really was a member of the Taliban, as alleged by the government, then releasing him would mean that he could simply return to Afghanistan to fight against American soldiers. n154 This would create an exceptionally perverse incentive where American troops would be better off shooting Hamdi on the battlefield than capturing him.¶ To the extent that prosecuting him in a federal court seems more appealing, one should pause to ask with what crime he would be charged with. If Hamdi were, as alleged, a fighting member of the Taliban, then he would most likely qualify as a combatant and would be entitled to combatant immunity for shooting at U.S. soldiers. Even under the Bush Administration's view that the Taliban forfeited their right to POW status en masse for war crimes violations, any prosecutions for those violations would take place in military courts (whether courts-martial or military commissions). n155¶ There are some specific crimes that could apply to Hamdi's alleged conduct because of his U.S. citizenship, including treason and providing material support to designated foreign terrorist organizations. Under 18 U.S.C. § 2381, it is treason for anyone "owing allegiance to the United States" to "levy war against them or adhere to their enemies." Similarly, two provisions of Title 18 criminalize providing material support to terrorist organizations. 18 U.S.C. § 2339A applies to situations in which a person provides material support or resources "knowing or intending that they are to [\*494] be used in preparation for, or in carrying out," a designated terrorism crime. Section 2339B, on the other hand, does not require proof that the defendant knew or intended that the support or resources would be used to carry out an act of terrorism; rather, it prohibits giving material support or resources, regardless of one's intent, to a foreign terrorist organization (as designated by the Secretary of State). n156¶ Treason's "two witness" requirement stated in the Constitution n157 might be difficult to satisfy, but in theory, it provides a basis for prosecuting Hamdi. n158 Section 2339A seems less promising, for the government would have to prove that Hamdi's provision of material support - personnel, in the form of himself n159 - was done with the knowledge of al Qaeda's terrorist plots or an intention to help carry out those plots. Section 2339B, which was enacted specifically to address the difficulty of satisfying section 2339A's knowledge or intention requirement, ties the mental state to knowledge that one's material support is being provided to "an organization designated as a terrorist organization" by the State Department. n160 Section 2339B has extraterritorial application where the person is a U.S. citizen, permanent resident, or a "stateless" person who lives primarily in the United States. n161 Hamdi would therefore have fallen within its scope based upon his U.S. citizenship, but the same would not be true of nearly all other Taliban fighters or al Qaeda members. n162¶ [\*495] In other words, the happenstance that Hamdi had been born in the United States is the only reason the text of some federal statutes provide an arguable basis for prosecution. n163 Such happenstance is an inappropriate basis for setting long-term legal policy in counterterrorism.

#### Courts will defer in times of emergency

Posner and Vermeule 10professor of law at the University of Chicago AND \*\*professor of law at Harvard Eric and Adrian, The Executive Unbound, p. 52-54

THE COURTS¶ We now turn from Congress to the courts, the other main hope of liberal legalism. In both economic and security crises, courts are marginal participants. Here two Schmittian themes are relevant: that courts come too late to the crisis to make a real difference in many cases, and that courts have pragmatic and political incentives to defer to the executive, whatever the nominal standard of review. The largest problem, underlying these mechanisms, is that courts possess legal authority but not robust political legitimacy. Legality and legitimacy diverge in crisis conditions, and the divergence causes courts to assume a restrained role. We take up these points in turn.¶ The Timing of Review¶ A basic feature of judicial review in most Anglo-American legal systems is that courts rely upon the initiative of private parties to bring suits, which the courts then adjudicate as “cases and controversies” rather than as abstract legal questions. This means that there is always a time lag, of greater or lesser duration, between the adoption of controversial government measures and the issuance of judicial opinions on their legal validity ensures that courts are less likely to set precedents while crises are hot, precedents that will be warped by the emotions of the day or by the political power of aroused majorities.70¶ Delayed review has severe costs, however. For one thing, courts often face a fait accompli. Although it is sometimes possible to strangle new programs in the crib, once those measures are up and running, it is all the more difficult for courts to order that they be abolished. This may be because new measures create new constituencies or otherwise entrench themselves, creating a ratchet effect, but the simpler hypothesis is just that officials and the public believe that the measures have worked well enough. Most simply, returning to the pre-emergency status quo by judicial order seems unthinkable; doing so would just re-create the conditions that led the legislature and executive to take emergency measures in the first place.¶ For another thing, even if courts could overturn or restrict emergency measures, by the time their review occurs, those measures will by their nature already have worked, or not. If they have worked, or at least if there is a widespread sense that the crisis has passed, then the legislators and public may not much care whether the courts invalidate the emergency measures after the fact. By the time the courts issue a final pronouncement on any constitutional challenges to the EESA, the program will either have increased liquidity and stabilized financial markets, or not. In either case, the legal challenges will interest constitutional lawyers, but will lack practical significance.¶ Intensity of Review¶ Another dimension of review is intensity rather than timing. At the level of constitutional law, the overall record is that courts tend to defer heavily to the executive in times of crisis, only reasserting themselves once the public sense of imminent threat has passed. As we will discuss in chapter 3, federal courts deciding administrative cases after 9/11 have tended to defer to the government’s assertion of security interests, although more large number work is necessary to understand the precise contours of the phenomenon. Schmitt occasionally argued that the administrative state would actually increase the power of judges, insofar as liberal legislatures would attempt to compensate for broad delegations to the executive by creating broad rights of judicial review; consider the Administrative Procedure Act (APA), which postdates Schmitt’s claim. It is entirely consistent with the broader tenor of Schmitt’s thought, however, to observe that the very political forces that constrain legislatures to enact broad delegations in times of crisis also hamper judges, including judges applying APA-style review. While their nominal power of review may be vast, the judges cannot exercise it to the full in times of crisis.¶ Legality and Legitimacy¶ At a higher level of abstraction, the basic problem underlying judicial review of emergency measures is the divergence between the courts’ legal powers and their political legitimacy in times of perceived crisis. As Schmitt pointed out, emergency measures can be “exceptional” in the sense that although illegal, or of dubious legality, they may nonetheless be politically legitimate, if they respond to the public’s sense of the necessities of the situation.71 Domesticating this point and applying it to the practical operation of the administrative state, courts reviewing emergency measures may be on strong legal ground, but will tend to lack the political legitimacy needed to invalidate emergency legislation or the executive’s emergency regulations. Anticipating this, courts pull in their horns.¶ When the public sense of crisis passes, legality and legitimacy will once again pull in tandem; courts then have more freedom to invalidate emergency measures, but it is less important whether or not they do so, as the emergency measure will in large part have already worked, or not. The precedents set after the sense of crisis has passed may be calmer and more deliberative, and thus of higher epistemic quality—this is the claim of the common lawyers, which resembles an application of the Madisonian vision to the courts—but the public will not take much notice of those precedents, and they will have little sticking power when the next crisis rolls around.¶

#### Long-timeframe for decisions

Entin 12 War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations, Jonathan L. Entin, Associate Dean for Academic Affairs (School of Law), David L. Brennan Professor of Law, and Professor of Political Science, Case Western Reserve University, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012

In addition, the litigation process takes time. Of course, the Pentagon Papers case was resolved in less than three weeks after the New York Times published its first article on the subject.117 Ordinarily, however, the judicial process proceeds at a much statelier pace. Consider another landmark case, albeit one that dealt with domestic issues. Cooper v. Aaron118 was decided approximately one year after President Eisenhower dispatched federal troops to enforce the desegregation of Little Rock Central High School in the face of massive resistance encouraged by Arkansas Governor Orval Faubus.119 Often, disputes over military and diplomatic matters are time- sensitive. Expedited judicial review might help, but events on the ground might well frustrate orderly judicial disposition

#### Procedural hurdles undermine review

Entin 12 War Powers, Foreign Affairs, and the Courts: Some Institutional Considerations, Jonathan L. Entin, Associate Dean for Academic Affairs (School of Law), David L. Brennan Professor of Law, and Professor of Political Science, Case Western Reserve University, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW·VOL. 45·2012

Two additional procedural hurdles, both relating to the timing of litigation, could pose serious difficulties for anyone seeking to involve the judiciary in disputes relating to war powers and foreign affairs. Cases could be filed too soon, raising questions of ripeness, or too late, raising questions of mootness.¶ 1. Ripeness¶ In some circumstances, a plaintiff might go to court too soon, before a legal dispute is ripe. This problem arose in Dellums v. Bush,50 where more than fifty members of Congress sought an injunction to prevent President George H.W. Bush from initiating military operations against Iraq during the first Persian Gulf War without explicit congressional authorization.51 The U.S. District Court for the District of Columbia concluded that the case did not present a political question52 and that the congressional plaintiffs had standing.53 Nevertheless, the court found the lawsuit to be premature for two reasons: (1) because Congress had not yet taken a position about the situation in Kuwait precipitated by an Iraqi invasion;54 and (2) because the president had not so clearly committed to imminent military action that a judicial ruling was yet necessary.55

# \*\*\*2NC

## 2NC Solvency

#### They have no say yes ev- would def defer

Andrew McCarthy 9, Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies. From 1985 through 2003, he was a federal prosecutor at the U.S. Attorney’s Office for the Southern District of New York, and was the lead prosecutor in the seditious conspiracy trial against Sheikh Omar Abdel Rahman and eleven others, described subsequently. AND Alykhan Velshi, a staff attorney at the Center for Law & Counterterrorism, where he focuses on the international law of armed conflict and the use of force, 8/20/09, “Outsourcing American Law,” AEI Working Paper, <http://www.aei.org/files/2009/08/20/20090820-Chapter6.pdf>

What is an asset in the criminal justice system, however, would be a liability in a system whose priority is not justice for the individual but the security of the American people. That liability, though, can be satisfactorily rectified by clear procedural rules which underscore that the overriding mission – into which the judicial function is being imported for very limited purposes – remains executive and military. The default position of the criminal justice system would not carry over to a system conceived for enemies of the United States – i.e., terrorist operatives who would not be facing NSC trials in the first place absent a finding, tested by judicial review, that they were alien enemy combatants. In such a system, the opportunities for judicial creativity would be limited by being plainspoken and unapologetic in enabling legislation about the fact that the defendants are not Americans but those who mean America harm; that the task of federal judges is not to ensure that defendants are considered as equals to our government before the bar of justice, but merely to ensure that they are not capriciously convicted of war crimes by the same branch of government that is prosecuting the war; that if credible and convincing evidence supports the allegations, the system’s preference is that defendants be convicted and harshly sentenced; and that the authority of judges is enumerated and finite – if the rules as promulgated do not expressly provide for the defendant to have particular relief, the judge is powerless to direct it. In short, the system would curb judicial excess by the recognition, which underlies the military justice system, that prosecuting war remains a quintessentially executive endeavor; in the NSC, judges would be a check against arbitrariness but they would not have any general supervisory authority over the conduct of proceedings and they would not be at liberty to create new entitlements by analogizing to ordinary criminal proceedings.

#### Its under executive authority

Harvey Rishikof 8, Professor of Law and Former Chair of the Department of National Security Strategy at the National War College and Kevin E Lunday, Captain and judge advocate in the US Coast Guard, "Due Process Is a Strategic Choice: Legitimacy and the Establishment of an Article III National Security Court", December 19, [www.cwsl.edu/content/journals/Rishikof.pdf](http://www.cwsl.edu/content/journals/Rishikof.pdf)

The primary triggering mechanism for establishing NSC jurisdiction would fall within the discretion and control of the Attorney General. Through certification and charging provisions, the Attorney General could invoke NSC jurisdiction by certifying that persons in custody inside the United States are suspected of terrorist activity, or by charging persons in custody outside the United States with one or more specific terrorism offenses. However, the NSC would provide the government with a preferred venue to manage terrorism cases and proceedings, reducing the risk of the NSC being sidelined like the current ATRC.102 Further, the NSC could review challenges to the executive certification or charging decisions,103 transferring those cases in which the government has improperly attempted to employ the NSC for non-terrorism cases to the appropriate district court. This review power will reduce government incentives to dress up any case in terrorism clothing to obtain the advantages of the NSC procedures. The review power would not prevent the government from pursuing a terrorism matter in district court instead of the NSC. However, even without an executive action triggering NSC jurisdiction, if a district court determines that it is unable to adequately manage a terrorism case, it would be permitted to sua sponte transfer the case to NSC jurisdiction.

#### Big framing issue here is normative v descriptive evidence-

#### The president will circumvent the aff- courts will offer procedural protections which incentives the executive to use lesser forms of justice such as non prosecution or military commission rather than Article III courts- only comparative evidence- the exec has balancing factors like intel and trial outcome

#### Courts will allow deference

Davis 7¶ Benjamin Davis 07, professor at the University of Toledo College of Law, 7/12/07, “Against a US 'Terrorists' Court',” <http://jurist.law.pitt.edu/forumy/2007/07/against-us-terrorist-court.php>

What a sad day! I am amazed! Law professors who are preventive detention advocates! A National Security Court! Have things gone this far in this country that people are really mulling seriously the merits of a preventive detention regime? Is the hysteria this crazy? ¶ I would ask all people of goodwill to take a quick look through the various cases that the federal courts have dismissed on state secret, federal officer immunity, political question etc. doctrines where people held in detention have complained of "horrendous" treatment and the courts have shown absolutely no interest in exploring those claims. I would ask you to look at the recent “standing” decision of the Court of Appeals in the ACLU vs. NSA case and recognize that, once an issue is presented in this environment in a national security context, if one complains the courts does not want to hear you as those fearful of having lost rights are not considered sufficiently harmed. All of those decisions have been made by eminent federal judges and the necklace of decisions from the perspective of vindication of basic rules of international law or constitutional law (as the lower court did in the case of ACLU vs. NSA but the Appeals Court did not) is terribly troubling. And with the decisions that appear to be shifting against the “little guy” in this term of the Supreme Court I as one am terribly concerned that ultimate appellate review will not be better.¶ Might I suggest that this is a further iteration from the Presidential Military Order, through the CSRTs and MCAs, through centralizing in the DC Court of Appeal, now into a fourth mutation to keep moving the ball on what we are doing. It is like an intoxication with improvisation.

#### Article III courts can’t solve- delays and security issues kill due process

Guiora 9¶ Amos N. Guiora 9, Professor of Law at the S.J. Quinney College of Law, University of Utah, served in the Judge Advocate General's Corps of the Israel Defense Forces where he held senior command positions related to the legal and policy aspects of operational counterterrorism, “Creating a Domestic Terror Court”, PDF

As mentioned above, this article assumes that both traditional Article III courts and international treaty-based courts are inadequate to try suspected terrorists. With respect to Article III courts, the reasons are primarily two-fold. First, constituting jury trials for thousands of detainees who have been held in detention for years awaiting trial would take an additional, substantial period of time, unnecessarily prolonging the pre-trial detention period (not to mention, all the inherent problems- if not impossibilities-of convening a "jury of your peers" for detainee trials). Second, terrorism trials necessarily involve unique and confidential intelligence information in a manner qualitatively different from that envisioned in the Classified Information Protection Act,9 and how such information is used as evidence in trial clearly affects national security concerns.10¶ To that end, as subsequently explained, the introduction of classified information -necessary to prosecuting terrorists-will be most effectively facilitated by a DTC. Although advocates of Article III courts suggest the success of previous trials proves their claims regarding the efficacy of their approach, I suggest the mere handful of cases tried (including the highly problematic Moussaoui trial) does not strengthen the argument in the least.1 Perhaps the opposite; for by highlighting the success of trials before juries in an extraordinarily limited number of cases, the proponents suggest-inadvertently-that the logistical nightmare of the sheer number of potential trials is something they have not fully internalized.¶ This was abundantly clear to me when I testified before the Senate Judiciary Committee,'12 where the proponents of Article III courts repeatedly emphasized how well the process had worked in one particular case. My response was: We are talking about thousands of trials, not one. Jury trials and traditional processes are not going to provide defendants with speedy trials, but in fact, quite the opposite. Bench trials- with judges trained in understanding and analyzing intelligence information- will much more effectively guarantee terrorism suspects their rights. That is, the traditional Article III courts will be less effective in preserving the rights and protections of thousands of detainees than the proposed DTC. I predicate this assumption on a "numbers analysis": not establishing an alternative judicial paradigm will all but ensure the continued denial of the right to trial to thousands of detainees.¶ A recent report published by Human Rights First defends traditional Article III courts' abilities to try individuals suspected of terrorism. 13 The authors demonstrate confidence in the courts' abilities to maintain a balance between upholding defendants' rights while simultaneously keeping confidential information secure.'4 Nevertheless, the report recognizes the limitations inherent in trying terrorist suspects in traditional courts as illustrated by the discussion concerning Zacarias Moussaoui's trial. 15¶ Moussaoui was brought to trial in the United States District Court for the Eastern District of Virginia after he was suspected of training with al Qaeda in preparation for the terrorist attacks of September 11, 2001.16 Although Moussaoui eventually pled guilty and admitted that he intended to fly a fifth plane into the White House, the trial itself reached a standstill when Moussaoui refused to proceed unless given access to "notorious terrorism figures who were in government custody.' 17 Because of its constitutional obligations to criminal defendants, the court was faced with an irreconcilable choice: either allow national security to be compromised or violate Moussaoui's guaranteed constitutional rights. Despite the fact that the United States Court of Appeals for the Fourth Circuit determined that "carefully crafted summaries of interviews"' 8 would satisfy constitutional requirements, the fact that the terrorist suspects in federal custody are even allowed to give deposition testimony could alone compromise security. 19¶ Regardless of the attempted solution, because of the special nature of prosecuting terrorist suspects, traditional Article III courts will always either compromise at least some national security or violate defendants' constitutional rights. My proposed DTC bridges the gap in that it allows the introduction of classified intelligence in conjunction with traditional criminal law evidence. This, then, meets Confrontation Clause requirements. The intelligence information can only be used to bolster the available evidence for conviction purposes but cannot under any circumstances-be the sole basis of conviction.

#### The president will circumvent the aff

McNeal 8¶ 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.

#### NSC doesn’t solve- it perpetuates the squo

Hilde 9 ¶ Thomas Hilde 9, professor at the University of Maryland School of Public Policy, “Beyond Guantanamo. Restoring U.S. Credibility on Human Rights,” Heinrich Böll Foundation, <http://www.boell.org/downloads/hbf_Beyond_Guantanamo_Thomas_Hilde(2).pdf>

This approach suggests that a national security court would have adequate means by which to judge not the actions of detainees, as with regular courts, but the risk of detainees engaging in harmful actions, even absent evidence. Such an approach appears to deny the notion of due process. It is also difficult to see how this approach would not generate the problem it ostensibly seeks to prevent; that is, the creation of enemies through detention policy. A 2008 document signed by 27 legal scholars opposes “any effort to extend the status quo by establishing either (1) a comprehensive system of long-term “preventive” detention without trial for suspected terrorists, or (2) a specialized national security court to make “preventive” detention determinations and ultimately to try terrorism suspects….” for the basic reason that, despite “dressed up procedures, these proposals would make some of the most notorious aspects of the current failed system permanent.” The authors add that perhaps “most fundamental is the fact that the supporters of these proposals typically fail to make clear who should be detained, much less how such individuals, once designated, can prove they are no longer a threat. Without a reasonably precise definition, not only is arbitrary and indefinite detention possible, it is nearly inevitable.”33 Some of the authors, however, conclude that evidence on the part of the government that a detainee has “engaged in belligerent acts or has directly participated in hostilities against the United States” may be the exceptional case justifying “continued detention.”34 Again, however, this distinction remains fluid enough as to be an arbitrary judgment by government officials.

## DA

#### Obama is prioritizing capture over drone strikes now- self restricting drones and shifting to curtail instances in which they can be used based on imminence- middle ground now- that’s Corn

#### Obama is shifting from drones

Dillow 13 (Clay, “Obama Set To Reboot Drone Strike Policy And Retool The War On Terror “, 5/23/13, <http://www.popsci.com/technology/article/2013-05/obama-set-reboot-drone-strike-policy-and-retool-war-terror>)

These three topics are deeply intertwined, of course. With the drawdown of troops in Iraq and Afghanistan and a reduced American presence in the regions regarded as power bases for the likes of al-Qaeda, al-Shabab, and the Taliban, American security and intelligence forces have only two real options. Strike at suspected terrorists with drones, or somehow capture those suspects and detain them (at some place like Guantanamo). It would seem that if the war on terror is going to continue (and it is--for another 10 or 20 years according to one recently-quoted Pentagon official) then it seems that either detention or the use of lethal strikes must increase. But that’s not really the case, and in today’s speech Obama is expected to outline why the administration thinks so. In his first major counterterrorism address of his second term, the President is expected to announce new restrictions on the unmanned aerial strikes that have been the cornerstone of his national security agenda for the last five years. For all the talk about drone strikes--and they did peak under Obama--such actions have been declining since 2010. And it seems the administration finally wants to come clean (somewhat) about what it has been doing with its drone program, acknowledging for the first time that it has killed four American citizens in its shadow drone wars outside the conflict zones of Afghanistan and Iraq, something the public has known for a while now but the government has refused to publicly admit. The Obama administration will also voluntarily rein in its drone strike program in several ways. A new classified policy signed by Obama will more sharply define how drones can be used, the New York Times reports, essentially extending to foreign nationals the same standards currently applied to American citizens abroad. That is, lethal force will only be used against targets posing a “continuing, imminent threat to Americans” and who cannot be feasibly captured or thwarted in any other way. This indicates that the administration’s controversial use of “signature strikes”--the killing of unknown individuals or groups based on patterns of behavior rather than hard intelligence--will no longer be part of the game plan. That’s a positive signal, considering that signature strikes are thought to have resulted in more than a few civilian casualties. Reportedly there’s another important change in drone policy in the offing that President Obama may or may not mention in today’s speech: the shifting of the drone wars in Pakistan and elsewhere (likely Yemen and Somalia as well) from the CIA to the military over the course of six months. This is good for all parties involved. The CIA’s new director, John Brennan, has publicly said he would like to transition the country’s premier intelligence gathering agency back to actual intelligence gathering and away from paramilitary operations--a role that it has played since 2001 but that isn’t exactly in its charter. Putting the drone strike program in the Pentagon also places it in a different category of public scrutiny. The DoD can still do things under the veil of secrecy of course, but not quite like the CIA can (the military is subject to more oversight and transparency than the clandestine services in several respects, and putting drones in the hands of the military also changes the governing rules of engagement). So what does this all mean for the war on terror? If Obama plans to create a roadmap for closing Guantanamo Bay and draw down its drone strike program, it suggests that the administration thinks we are winning--as much as one can win this kind of asymmetric war. It appears the war on terror is shifting toward one in which better intelligence will lead to more arrests and espionage operations to thwart terrorists rather hellfire missile strikes from unseen robots in the sky.

#### Recent raids prove

Sorcher, National Journal National Security Correspondent, 2013,

(Sara, "Obama Is Changing the Way He Fights the War on Terrorism", National Journal, 10-7, PAS) [www.nationaljournal.com/national-security/obama-is-changing-the-way-he-fights-the-war-on-terrorism-20131007](http://www.nationaljournal.com/national-security/obama-is-changing-the-way-he-fights-the-war-on-terrorism-20131007) 10-10-13

In a risky operation this weekend, Navy SEALs stormed a villa in a seaside Somalian town, searching for Ikrima, a top commander from al-Shabab, the Qaida offshoot responsible for an attack in a Kenyan mall that killed dozens of people just weeks ago. When the troops came under intense gunfire, they retreated, reportedly because their target was impossible to capture. Meanwhile, in Tripoli, Libya, special forces whisked away Abu Anas al-Libi, the Qaida operative wanted in connection with the 1998 bombings of American embassies in Tanzania and Kenya, to an unnamed location in U.S. custody for questioning.¶ The two raids this weekend, both with the unusual goal of trying to capture terrorists, may be a harbinger of a different style in Obama's war on terrorism, which has largely centered on deploying drones to kill targets away from conventional battlefields. "We are going to see more of this," says Rep. Adam Schiff, D-Calif., a senior member of the House Intelligence Committee. The surgical operations reflect the Obama administration's "change in policy" to minimize civilian casualties when taking out extremists, Schiff says. It also reflects the White House's desire to move away from a counterterrorism strategy reliant on drones toward one more focused on capturing, interrogating, and prosecuting suspects—a strategy, Schiff says, that "makes use of our proven capability of bringing to justice people who have committed acts of terrorism."¶ Even Republicans are taking note. "I think it's encouraging that capture is back on the table," says Rep. Mac Thornberry, the Texan who chairs the House Armed Services subcommittee that oversees counterterrorism programs.¶ Despite the administration's insistence it prefers capturing suspects whenever feasible, the numbers tell a different story: Only a handful of accused militants have been brought to the U.S. for trial; by contrast, the CIA and military have reportedly killed roughly 3,000 people in Pakistan, Somalia, and Yemen. Obama has pressed on with the drone war despite criticisms that the strikes unintentionally kill civilians and fuel anti-Americanism—and that suspects are slain without due process, a chance to surrender under fire, or relinquishing intelligence through interrogations.¶ The twin raids are a sign that Obama is trying to change course, after strong hints from the president and his team that policy changes were coming. In May, Obama spoke out against the appeal of drone strikes—which he said presidents may be tempted to view as a terrorism "cure-all." After broadly interpreting executive authority to expand the scope of the covert drone war throughout his presidency, Obama in his second term is clearly trying to set a precedent for limiting presidential power on this front. "Beyond Afghanistan, we must define our effort not as a boundless 'global war on terror' but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America," Obama said at the National Defense University in May. So Obama formally inked the "playbook," a secret set of processes and standards dictating the rules of drone strikes.

#### Low drone use now

Shapiro, NPR White House Correspondent, 10-7, 2013,

(Ari, "Raids Project Presidential Power Amid Shutdown's Gridlock", NPR, PAS) [www.npr.org/2013/10/07/230174466/raids-project-presidential-power-amid-shutdowns-gridlock?ft=1&f=1001](http://www.npr.org/2013/10/07/230174466/raids-project-presidential-power-amid-shutdowns-gridlock?ft=1&f=1001) 10-9-13

Being the decision-maker must be refreshing for Obama after a year of aborted missions at home. His immigration bill and his gun control law both failed in Congress. The shutdown has incapacitated much of the federal government. His approval rating is at its lowest level in years.¶ And internationally, things have been frustrating, too.¶ "The president's international standing has been diminished enormously," says Rich Williamson, who held several national security positions in Republican administrations, "particularly because of the kerfuffle, the confusion [and] the contradictions in his Syrian policy throughout September."¶ Then, as October dawned, the White House canceled the president's trip to Asia this week, leaving Secretary of State John Kerry to attend important trade summits in Obama's place.¶ "When you have two major meetings, as are occurring this week, and the president can't show up because of the domestic problems here at home, that has an impact," says Ivo Daalder, who leads the Chicago Council on Global Affairs and was ambassador to NATO during Obama's first term.¶ American allies and adversaries may start to wonder if the president and the United States are weak — frozen in place.¶ With that backdrop, the raids in Libya and Somalia start to look like an important boost for Obama, Daalder says.¶ "It was good to be able to show that not everything has come to a screeching halt," he says. "But it would be far greater and far preferable if we could demonstrate the broad range of our power."¶ In another change from the norm, these weekend raids received praise from people in both parties.¶ House Speaker John Boehner told ABC on Sunday: "I'm very confident that both of these efforts were successful. I'm going to congratulate all of those in the U.S. intelligence operations, our troops, FBI — all those who were involved."¶ There is, however, a twist to this story.¶ Obama has a lot of power to carry out counterterrorism missions as he sees fit. Yet in these operations in Libya and Somalia, he held back some of that power.¶ Rhodes, the deputy national security adviser, notes that Obama didn't just order unmanned drones to strike the targets.¶ "I think it demonstrates that our counterterrorism policy is not simply one dominated by drones, but there's also other elements to it," he says.¶ And what's more, Obama wants Congress to take back some of his broad counterterrorism power.¶ The power comes mostly from one law, the Authorization for Use of Military Force, which lets the president go after terrorists anywhere in the world without congressional approval.¶ In a speech last spring, Obama said he wants to work with Congress to refine, and ultimately repeal, that law. Back then, he was more optimistic about his chances of working with Congress on anything.

#### Capture is the first resort in the status quo

Burns, Associated Press National Security Reporter, 2013,

(Robert, "RAIDS SUGGEST FUTURE SHAPE OF COUNTERTERROR BIDS", AP, 10-7, PAS) bigstory.ap.org/article/raids-suggest-future-shape-counterterror-bids 10-9-13

WASHINGTON (AP) — The U.S. commando raids in Libya and Somalia suggest the future shape of U.S. counterterrorism efforts — brief, targeted raids against highly sought extremist figures — and highlight the rise of Africa as a terrorist haven.¶ The strikes also raise questions about where to interrogate and try captured terrorist suspects such as Abu Anas al-Libi, accused by the U.S. of involvement in the 1998 bombings of two American embassies in Africa.¶ Defense Secretary Chuck Hagel said Sunday that al-Libi was in U.S. custody. A U.S. official familiar with the case said later that al-Libi was taken aboard a U.S. warship in the region for questioning. The official spoke on condition of anonymity because he was not authorized to release details.¶ The chairman of the House Armed Services Committee, Rep. Howard "Buck" McKeon, said al-Libi has "vast intelligence value."¶ McKeon, R-Calif., said President Barack Obama should "fully exploit this potential" before moving on to his prosecution. The White House seemed to agree, saying Saturday's raid in Tripoli was specifically designed to apprehend, not kill, the suspect.¶ "The president has made clear our preference for capturing terrorist targets when possible, and that's exactly what we've done in order to elicit as much valuable intelligence as we can and bring a dangerous terrorist to justice," said the White House National Security Council's spokeswoman, Caitlin Hayden.¶ The outcome of a second U.S. commando raid Saturday, targeting a leader of the al-Qaida affiliated terror group, al-Shabab, was less clear.¶ A Navy SEAL team swam ashore in Somalia early in the morning and engaged in a fierce firefight. A U.S. official said afterward the Americans disengaged after inflicting some al-Shabab casualties, but it was unclear who was hit. The official was granted anonymity because he was not authorized to speak publicly.

#### Plan increases drones use- there is a trade-off with detention and other counter-terror options- cutback on detention would result in more drones and out sourcing detention to less favorable places

#### Solves terrorism- capture is more useful for intel than to kill and Gitmo is more secure- that’s Goldsmith

#### Detention restrictions cause a shift to drone strikes

Wittes 11, Benjamin Wittes is a Senior Fellow in Governance Studies at the Brookings Institution, where he is the Research Director in Public Law, and Co-Director of the Harvard Law School - Brookings Project on Law and Security. Detention and Denial [electronic resource] : The Case for Candor after Guantanamo. Washington : Brookings Institution Press, 2011., ebook, accessed via Wayne State online library, pg 28-29

That is the equilibrium toward which we have drifted, and it ¶ should surprise nobody, for it is an entirely foreseeable consequence of the incentive structure that we have created. Imagine ¶ for a moment that you had described the direction of our legal ¶ policy choices to a devotee of the law and economics movement—¶ a field based on the central insight that legal rules create behavioral incentives. Imagine telling, say, Richard Posner that we ¶ would suddenly make detention difficult and refuse for years to ¶ create a stable regime of known, clear rules. Imagine also that you ¶ had then asked this platonic Posner to identify the consequences. ¶ He probably would have replied that detention would grow less ¶ visible. We would release some people precipitously. We would ¶ rely on proxies more. We probably would kill some people that ¶ we might have captured before. Rarely does life comport with ¶ theory as well as detention policy has conformed to the predictions that law and economics would suggest. As the real Richard ¶ Posner wrote of the original decision to judicialize Guantánamo ¶ proceedings, it “seems like a sensible, ‘practical’ decision, but may ¶ not be. . . . [T]he decision may just encourage the government to ¶ hold more detainees abroad, say, in Afghanistan or Iraq, . . . and ¶ what would be gained by that?”8¶ None of what has happened was hard to predict. Water finds a ¶ path to the sea. Dam a river and it will flow around the dam. This ¶ metaphor, something of a cliché in discussing campaign finance ¶ law and attempts to regulate money in politics, applies with equal ¶ force in counterterrorism operations. The reason is simple, and ¶ we ignore it at considerable risk of intellectual blindness: The call ¶ to prevent terrorist events is so compelling politically that just as ¶ gravity operates on water, it will operate on politicians and other ¶ officials responsible for security. It will operate so strongly that ¶ new restrictions in one area will merely shift government energies ¶ to other areas. Encumber the use of one power, and authorities ¶ will just use another; throw a wrench in that one, and they’ll ¶ move on to something else. If prosecutions in federal court are ¶ too hard, you create incentives to use military commissions. If the ¶ commissions are too generous to the accused, detention without ¶ trial will see greater use. Make it too tough to use a particular ¶ form of detention and the government will shift to others. Make ¶ detention broadly problematic and you promote the use of proxies less fastidious than we are and the use of drones.¶ The government interests at stake are so powerful that the ¶ executive will deploy every lawful option available and will show ¶ enormous creativity in expanding the field of options—both by ¶ making novel legal arguments and by developing tactical innovations. The attempt to force counterterrorism operations to ¶ take place through conventional means of law enforcement will ¶ impede it and channel it to some degree. For the most part, however, it will redirect it to less visible, less attractive, and more ¶ violent exercises of government power.

#### Plan spurs shift towards drones- their ev does neg

Chesney 11

(Robert, Charles I. Francis Professor in Law, University of Texas School of Law, “ARTICLE: WHO MAY BE HELD? MILITARY DETENTION THROUGH THE HABEAS LENS”, Boston College Law Review, 52 B.C. L. Rev 769, Lexis)

The convergence thesis describes one manner in which law might respond to the cross-cutting pressures associated with the asymmetric warfare phenomenon—i.e., the pressure to reduce false positives (targeting, capture, or detention of the wrong individual) while also ensuring an adequate capacity to neutralize the non-state actors in question. One must bear in mind, however, that detention itself is not the only system of government action that can satisfy that latter interest. Other options exist, including the use of lethal force; the use of rendition to place individuals in detention at the hands of some other state; the use of persuasion to induce some other state to take custody of an individual through its own means; and perhaps also the use of various forms of surveillance to establish a sort of constructive, loose control over a person (though for persons located outside the United States it is unlikely that surveillance could be much more than episodic, and thus any resulting element of “control” may be quite weak).210¶ From the point of view of the individual involved, all but the last of these options are likely to be far worse experiences than U.S.-administered detention. In addition, all but the last are also likely to be far less useful for purposes of intelligence-gathering from the point of view of the U.S. government.211 Nonetheless, these alternatives may grow attractive to the government in circumstances where the detention alternative becomes unduly restricted, yet the pressure for intervention remains. The situation is rather like squeezing a balloon: the result is not to shrink the balloon, but instead to displace the pressure from one side to another, causing the balloon to distend along the unconstrained side. So too here: when one of these coercive powers becomes constrained in new, more restrictive ways, the displaced pressure to incapacitate may simply find expression through one of the alternative mechanisms. On this view **it is no surprise that lethal drone strikes have increased dramatically over the past two years**, that the Obama administration has refused to foreswear rendition, that in Iraq we have largely (though not entirely) outsourced our detention operations to the Iraqis, and that we now are progressing along the same path in Afghanistan.212¶ Decisions regarding the calibration of a detention system—the¶ management of the convergence process, if you will—thus take place in the shadow of this balloon-squeezing phenomenon. A thorough policy review would take this into account, as should any formal lawmaking process. For the moment, however, our formal law-making process is not directed at the detention-scope question. Instead, clarification and development with respect to the substantive grounds for detention takes place through the lens of habeas corpus litigation.

#### Their evidence only focuses on FATA regions– even if they win this, all of the other areas where drones strikes are down create a unique scenario

Chesney 11 – THEIR AUTHOR

(Robert Chesney 11, Charles I. Francis Professor in Law at the UT School of Law as well as a non-resident Senior Fellow at Brookings, "Examining the Evidence of a Detention-Drone Strike Tradeoff", October 17, [www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/](http://www.lawfareblog.com/2011/10/examining-the-evidence-of-a-detention-drone-strike-tradeoff/), KB)

Having said all that: it does not follow that there is no detention-targeting tradeoff at work. I’m just saying that drone strikes in the FATA typically should not be understood in that way (though there might be limited exceptions where a capture raid could have been feasible). Where else to look, then, for evidence of a detention/targeting tradeoff?¶ Bear in mind that it is not as if we can simply assume that the same number of targets emerge in the same locations and circumstances each year, enabling an apples-to-apples comparison. But set that aside.¶ First, consider locations that (i) are outside Afghanistan (since we obviously still do conduct detention ops for new captures there) and (ii) entail host-state government control over the relevant territory plus a willingness either to enable us to conduct our own ops on their territory or to simply effectuate captures themselves and then turn the person(s) over to us. This is how most GTMO detainees captured outside Afghanistan ended up at GTMO. Think Bosnia with respect to the Boumediene petitioners, Pakistan’s non-FATA regions, and a variety of African and Asian states where such conditions obtained in years past. In such locations, we seem to be using neither drones nor detention. Rather, we either are relying on host-state intervention or we are limiting ourselves to surveillance. Very hard to know how much of each might be going on, of course. If it is occuring often, moreover, it might reflect a decline in host-state willigness to cooperate with us (in light of increased domestic and diplomatic pressure from being seen to be responsible for funneling someone into our hands, and the backdrop understanding that, in the age of wikileaks, we simply can’t promise credibly that such cooperation will be kept secret). In any event, this tradeoff is not about detention versus targeting, but something much more complex and difficult to measure.

#### Unchecked drone usage causes great power war and hotspot escalation- nationals are following U.S. drones development and are less discriminating and cause accidental wars- conflict would erupt between inda/pak, North/South Korea, Russia and Baltics, China and Neighbors- that’s Doud

#### Baltics goes nuclear

Mcdermott ‘11 (specializes in Russian and Central Asian defense and security issues and is a Senior Fellow in Eurasian Military Studies, The Jamestown Foundation, Senior International Research Fellow for the Foreign Military Studies Office. Affiliated Senior Analyst, Danish Institute for International Studies. On the editorial board of Central Asia and the Caucasus and the scientific board of the Journal of Power Institutions in Post-Soviet Societies. (Roger, “General Makarov Highlights the “Risk” of Nuclear Conflict”, 12/6/11,<http://www.jamestown.org/details/?tx_bzdstaffdirectory_pi1%5BshowUid%5D=140&tx_bzdstaffdirectory_pi1%5BbackPid%5D=60&no_cache=1>)

In the current election season the Russian media has speculated that the Defense Minister Anatoliy Serdyukov may be replaced, possibly by Dmitry Rogozin, Russia’s Ambassador to NATO, which masks deeper anxiety about the future direction of the Armed Forces. The latest rumors also partly reflect uncertainty surrounding how the switch in the ruling tandem may reshuffle the pack in the various ministries, as well as concern about managing complex processes in Russian defense planning. On November 17, Russia’s Chief of the General Staff, Army-General Nikolai Makarov, offered widely reported comments on the potential for nuclear conflict erupting close to the country’s borders. His key observation was controversial, based on estimating that the potential for **armed conflict** along the entire Russian periphery **had grown dramatically** over the past twenty years (Profil, December 1; Moskovskiy Komsomolets, November 28; Interfax, November 17). During his speech to the Defense Ministry’s Public Council on the progress and challenges facing the effort to reform and modernize Russia’s conventional Armed Forces, Makarov linked the potential for local or regional conflict to escalate into large-scale warfare “possibly even with **nuclear weapons**.” Many Russian commentators were bewildered by this seemingly “alarmist” perspective. However, they appear to have misconstrued the general’s intention, since he was actually discussing conflict escalation (Interfax, ITAR-TASS, November 17; Moskovskiy Komsomolets, Krasnaya Zvezda, November 18). Makarov’s remarks, particularly in relation to the possible use of nuclear weapons in war, were quickly misinterpreted. Three specific aspects of the context in which Russia’s most senior military officer addressed the issue of a potential risk of nuclear conflict may serve to necessitate wider dialogue about the dangers of escalation. There is little in his actual assertion about the role of nuclear weapons in Russian security policy that would suggest Moscow has revised this; in fact, Makarov stated that this policy is outlined in the 2010 Military Doctrine, though he understandably made no mention of its classified addendum on nuclear issues (Kommersant, November 18). Russian media coverage was largely dismissive of Makarov’s observations, focusing on the idea that he may have represented the country as being surrounded by enemies. According to Kommersant, claiming to have seen the materials used during his presentation, armed confrontation with the West could occur partly based on the “anti-Russian policy” pursued by the Baltic States and Georgia, which may equally undermine Moscow’s future relations with NATO. **Military conflict may erupt in Central Asia**, caused by instability in Afghanistan or Pakistan; or western intervention against a nuclear Iran or North Korea; energy competition in the Arctic or foreign inspired “color revolutions” similar to the Arab Spring and the creation of a European Ballistic Missile Defense (BMD) system that could undermine Russia’s strategic nuclear deterrence also featured in this assessment of the strategic environment (Kommersant, November 18). Since the reform of Russia’s conventional Armed Forces began in late 2008, Makarov has consistently promoted adopting network-centric capabilities to facilitate the transformation of the military and develop modern approaches to warfare. Keen to displace traditional Russian approaches to warfare, and harness military assets in a fully integrated network, Makarov possibly more than any senior Russian officer appreciates that the means and methods of modern warfare have changed and are continuing to change (Zavtra, November 23; Interfax, November 17). The contours of this evolving and unpredictable strategic environment, with the distinctions between war and peace often blurred, interface precisely in the general’s expression of concern about nuclear conflict: highlighting the risk of escalation. However, such potential escalation is linked to the reduced time involved in other actors deciding to intervene in a local crisis as well as the presence of network-centric approaches among western militaries and being developed by China and Russia. From Moscow’s perspective, NATO “out of area operations” from Kosovo to Libya blur the traditional red lines in escalation; further complicated if any power wishes to pursue intervention in complex cases such as Syria. Potential escalation resulting from local conflict, following a series of unpredictable second and third order consequences, makes Makarov’s comments seem more understandable; it is not so much a portrayal of Russia surrounded by “enemies,” as a recognition that, with weak conventional Armed Forces, in certain crises Moscow may have few options at its disposa**l** (Interfax, November 17). There is also the added complication of a possibly messy aftermath of the US and NATO drawdown from Afghanistan and signs that the Russian General Staff takes Central Asian security much more seriously in this regard. The General Staff cannot know whether the threat environment in the region may suddenly change. Makarov knows the rather limited conventional military power Russia currently possesses, which may compel early nuclear first use likely involving sub-strategic weapons, in an effort to “de-escalate” an escalating conflict close to Russia’s borders. Moscow no longer primarily fears a theoretical threat of facing large armies on its western or eastern strategic axes; instead the information-era reality is that smaller-scale intervention in areas vital to its strategic interests may bring the country face-to-face with a network-centric adversary capable of rapidly exploiting its conventional weaknesses. As Russia plays catch-up in this technological and revolutionary shift in modern warfare capabilities, the age-old problem confronts the General Staff: the fastest to act is the victor (See EDM, December 1). Consequently, Makarov once again criticized the domestic defense industry for offering the military inferior quality weapons systems. Yet, as speed and harnessing C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance) become increasingly decisive factors in modern warfare, the risks for conflict escalation demand careful attention – especially when the disparate actors possess varied capabilities. Unlike other nuclear powers, Russia has to consider the proximity of several nuclear actors close to its borders. In the coming decade and beyond, Moscow may pursue dialogue with other nuclear actors on the nature of conflict escalation and de-escalation. However, with a multitude of variables at play ranging from BMD, US Global Strike capabilities, uncertainty surrounding the “reset” and the emergence of an expanded nuclear club, and several potential sources of instability and conflict, any dialogue must consider escalation in its widest possible context. Makarov’s message during his presentation, as far as the **nuclear issue** is concerned, was therefore **a much tougher bone** than the old dogs of the Cold War would wish **to chew** on.

#### Outweighs nuclear conflicts---assign the highest probability

Jenkins 13 Simon Jenkins is a journalist and author. He writes for the Guardian as well as broadcasting for the BBC. He has edited the Times and the London Evening Standard and is chairman of the National Trust, “Drones are fool's gold: they prolong wars we can't win New appointments in the White House hail an era of hands-free warfare. Yet these weapons induce not defeat, but retaliation,” 1-10-13, <http://www.guardian.co.uk/commentisfree/2013/jan/10/drones-fools-gold-prolong-wars>, Accessed Date: 6-28-13 y2k

The greatest threat to world peace is not from nuclear weapons and their possible proliferation. It is from drones and their certain proliferation. Nuclear bombs are useless weapons, playthings for the powerful or those aspiring to power. Drones are now sweeping the global arms market. There are some 10,000 said to be in service, of which a thousand are armed and mostly American. Some reports say they have killed more non-combatant civilians than died in 9/11. I have not read one independent study of the current drone wars in Afghanistan, Pakistan and the horn of Africa that suggests these weapons serve any strategic purpose. Their "success" is expressed solely in body count, the number of so-called "al-Qaida-linked commanders" killed. If body count were victory, the Germans would have won Stalingrad and the Americans Vietnam. Neither the legality nor the ethics of drone attacks bear examination. Last year's exhaustive report by lawyers from Stanford and New York universities concluded that they were in many cases illegal, killed civilians, and were militarily counter-productive. Among the deaths were an estimated 176 children. Such slaughter would have an infantry unit court-martialled. Air forces enjoy such prestige that civilian deaths are excused as a price worth paying for not jeopardising pilots' lives. This week President Obama appointed two drone "enthusiasts" as his new defence secretary, Chuck Hagel, and his new CIA chief, John Brennan. Drone war is now the flavour of the month and the military-industrial complex is licking its lips. If Obama, himself a lawyer, had any reservations about the legality of these weapons, he has clearly overcome them. Quite apart from ethics and law, I find it impossible to see what contribution these weapons make to winning wars. The killing of officers merely sees others replace them, eager for revenge. The original Predator was intended for surveillance but was adapted for bombing specifically to kill Osama bin Laden. When he was finally found, the drone was considered too inaccurate a device to risk, and old-fashioned boots-with-guns had to be sent instead. As for the inevitable killing of civilians, however few or many, this is not just "collateral damage" but critical to victory or defeat. It does not occupy or hold territory and it devastates hearts and minds. Aerial bombardment has long been a questionable weapon of war. It induces not defeat but retaliation. On Monday a BBC documentary on the siege of Malta devastatingly charted the German bombing assault, the most intensive of the second world war. Though it took a heavy toll on the island's infrastructure it did not stop its resistance. Belief in bombers and the failure to invade Malta cost Germany the Africa campaign. A weapon of airborne terror that fails to cow an enemy and merely invites defiance is not effective at all. Three-quarters of Pakistanis are now declared enemies of the US. Yet each week Obama apparently sits down and goes through a "kill list" of Muslims he intends to eliminate, with no judicial process and no more identification than the word of a dodgy spy on the ground. At least Britain's drones in Helmand, we are told, are used only in close air support for ground troops. Since the drone war began in earnest in 2008, there has been no decline in Taliban or al-Qaida performance attributable to it. Any let-up in recruitment is merely awaiting Nato's departure. The Afghan president, Hamid Karzai, has called the attacks "in no way justifiable". The Pakistan government, at whose territory they are increasingly directed, has withdrawn all permission. The young Yemeni writer Ibrahim Mothana protested in the New York Times of the carnage drones are wreaking on the politics of his country, erasing "years of progress and trust-building with tribes". Yemenis now face al-Qaida recruiters waving pictures of drone-butchered women and children in their faces. Notional membership of al-Qaida in Yemen is reported to have grown by three times since 2009. Jimmy Carter declares that "America's violation of international human rights abets our enemies and alienates our friends". The drone wars seem pointless yet unstoppable. Their appeal to western leaders lies partly in their sheer novelty, partly in the hope they may make defeat less awful. They are like the USS New Jersey's shelling of Lebanon's Chouf mountains in 1984, a blood-thirsty display to cover withdrawal. The drone is not an aid to victory, but it eases the defeat its use has made more likely. The Taliban in Waziristan are no threat to London or to Washington. Al-Qaida can do no more to undermine the state than set off the occasional bomb, best prevented by domestic intelligence. Today's "wars of choice" reflect a more sinister aspect of democracy. Elected leaders seem to crave them, defying all warnings of the difficulty of ending them. Mesmerised by Margaret Thatcher's gain from the Falklands, they all want a good war. In this the drone is fool's gold. Driven by high-pressure arms salesmanship, Obama (and David Cameron) are briefed that they are the no-hands war of the future, safe, easy, clean, "precision targeted". No one on our side need get hurt. Someone else can do the dirty work on the ground. The tenuous legality of this form of combat requires the aggressor to have "declared war" on another state. But al-Qaida is no state. As a result these attacks on foreign soil are not just wars of choice, they are wars of self-invention. How soon will it be before the US finds itself "at war" with Iran and Syria, and sends over the drones? When it does, and the killing starts, it can hardly complain when the victims retaliate with suicide bombers. Nor will it just be suicide bombers. Drones are cheap and will easily proliferate. Eleven states deploy them already. The US is selling them to Japan to help against China. China is building 11 bases for its Anjian drones along its coast. The Pentagon is now training more drone operators than pilots. What happens when every nation with an air force does likewise, and every combustible border is buzzing with them? I did not fear nuclear proliferation because I believe such bombs are mere prestige acquisitions, so horrible not even lunatics would use them. Drones are different. When they were called guided missiles, they were in some degree governed by international law and protocol, as was the practice of global assassination. Obama rejects all that. He and the US are teaching the world that a pilotless aircraft is a self-justifying, self-exonerating, legal and effective weapon of war. However counter-productive a drone may be strategically, it cuts a glamorous dash on the home front. It is hard to imagine a greater danger to world peace.

#### Proliferation causes miscalculation---causes escalatory nuclear conflicts.

Boyle 13 Michael J. Boyle is Assistant Professor of Political Science @ La Salle University, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, International Affairs 89: 1 (2013) 1–29, Accessed Date: 6-4-13 y2k

The emergence of this arms race for drones raises at least five long-term strategic consequences, not all of which are favourable to the United States over the long term. First, it is now obvious that other states will use drones in ways that are inconsistent with US interests. One reason why the US has been so keen to use drone technology in Pakistan and Yemen is that at present it retains a substantial advantage in high-quality attack drones. Many of the other states now capable of employing drones of near-equivalent technology—for example, the UK and Israel—are considered allies. But this situation is quickly changing as other leading geopolitical players, such as Russia and China, are beginning rapidly to develop and deploy drones for their own purposes. While its own technology still lags behind that of the US, Russia has spent huge sums on purchasing drones and has recently sought to buy the Israeli-made Eitan drone capable of surveillance and firing air-to-surface missiles.132 China has begun to develop UAVs for reconnaissance and combat and has several new drones capable of long-range surveillance and attack under development.133 China is also planning to use unmanned surveillance drones to allow it to monitor the disputed East China Sea Islands, which are currently under dispute with Japan and Taiwan.134 Both Russia and China will pursue this technology and develop their own drone suppliers which will sell to the highest bidder, presumably with fewer export controls than those imposed by the US Congress. Once both governments have equivalent or near-equivalent levels of drone technology to the United States, they will be similarly tempted to use it for surveillance or attack in the way the US has done. Thus, through its own over-reliance on drones in places such as Pakistan and Yemen, the US may be hastening the arrival of a world where its qualitative advantages in drone technology are eclipsed and where this technology will be used and sold by rival Great Powers whose interests do not mirror its own. A second consequence of the spread of drones is that many of the traditional concepts which have underwritten stability in the international system will be radically reshaped by drone technology. For example, much of the stability among the Great Powers in the international system is driven by deterrence, specifically nuclear deterrence.135 Deterrence operates with informal rules of the game and tacit bargains that govern what states, particularly those holding nuclear weapons, may and may not do to one another.136 While it is widely understood that nuclear-capable states will conduct aerial surveillance and spy on one another, overt military confrontations between nuclear powers are rare because they are assumed to be costly and prone to escalation. One open question is whether these states will exercise the same level of restraint with drone surveillance, which is unmanned, low cost, and possibly deniable. States may be more willing to engage in drone overflights which test the resolve of their rivals, or engage in ‘salami tactics’ to see what kind of drone-led incursion, if any, will motivate a response.137 This may have been Hezbollah’s logic in sending a drone into Israeli airspace in October 2012, possibly to relay information on Israel’s nuclear capabilities.138 After the incursion, both Hezbollah and Iran boasted that the drone incident demonstrated their military capabilities.139 One could imagine two rival states—for example, India and Pakistan—deploying drones to test each other’s capability and resolve, with untold consequences if such a probe were misinterpreted by the other as an attack. As drones get physically smaller and more precise, and as they develop a greater flying range, the temptation to use them to spy on a rival’s nuclear programme or military installations might prove too strong to resist. If this were to happen, drones might gradually erode the deterrent relationships that exist between nuclear powers, thus magnifying the risks of a spiral of conflict between them

#### Collapse of the deterrence guarantees extinction

Freedman, 2013

[Lawrence, is Professor of War Studies and Vice Principal at King’s College in London, and a member of the TWQ editorial board, "Disarmament and Other Nuclear Norms," ncsis.org/files/publication/TWQ\_13Spring\_Freedman.pdf, accessed: 8-13-13

Rhetoric that urges elimination on the assumption that the only alternative is Armageddon is not credible, almost seventy years into the nuclear age. It is also impossible to start from the goal of a world without nuclear weapons and work backwards to explain how this can come about. The many intermediate steps are contingent on so many other factors that any one scheme cannot accommodate them. In looking for first steps, the tendency is to pick up on whatever happens to be the most immediate unfinished business on the international agenda at hand/which, after half a century, is still a comprehensive test ban. If survival depends on a goal which middle-/aged politicians routinely say is both essential yet unlikely to be reached in their lifetime, then the inevitable result is fatalism. This might still be a perverse outcome of the recent campaigning, which if nothing else, has provided eloquent reminders of the terrible capacity to self-/destruct found in the international system.

The norms of nuclear nonproliferation, non-/use, and deterrence can be shown empirically to have brought important benefits. Now, they must be applied in cases marked by shifting and fraught political circumstances that make resort to nuclear arms conceivable. These norms are all vulnerable to being rejected by those who see them as cynical instruments of their opponents and the prejudicial morality of patronizing Western elites. If these norms are to have enduring value, they will require more than assertions of their past value/they need constant demonstrations of their relevance to new types of conflict involving new types of actors.

There is an inescapable logic in the assertion that if nuclear weapons did not exist, then the potential for nuclear war could not exist; however, so long as we are stuck in the nuclear age, even at lower levels of armaments, avoiding nuclear war will require intensive diplomacy and careful posturing. The challenge is not to re-assert an old norm of disarmament, but to prevent the erosion of the old norms of deterrence, as in prudent appreciation of the dangers in taking a risk of nuclear war; of non-/proliferation, as in a grasp of the consequences of adding to the list of potential nuclear conflicts; and of non-/use, as in accepting the responsibility of restraint.

#### Conflict is probable

Michael Auslin 13, scholar at the American Enterprise Institute, “The Sino–Japanese Standoff”, 1-28, http://www.nationalreview.com/blogs/print/338852

What was more dangerous, however, was a game of chicken that began in the waters off the Senkakus. Beijing dispatched private fishing boats and maritime patrol vessels on a near-daily basis to the islands, and Japan responded with its coast guard. The two countries have now faced off regularly in the waters around the Senkakus, sometimes with a dozen ships or more.¶ Beijing’s goal seems to be to undercut Tokyo’s claim of administrative control over the islands. That would then invalidate Japan’s right to expel ships from the exclusive economic zone around the Senkakus. In recent weeks, though, the Chinese have become more aggressive, and very visibly escalated tensions. For the first time ever, they have flown maritime patrol planes into Japanese airspace around the islands. A predictable cycle thus emerged: The Japanese responded by scrambling F-15s, and last week, the Chinese sent two J-10 fighter jets to “monitor” Japanese military aircraft, according to the South China Morning Post. Now, the new Japanese government of Prime Minister Shinzo Abe is preparing to go one step further: giving Japanese pilots the authority to fire warning shots with tracer bullets across the nose of any Chinese aircraft that doesn’t heed warnings to leave Japanese-controlled airspace.¶ It was barely a dozen years ago that the U.S. and China faced a crisis when a hotshot Chinese pilot collided with a U.S. electronic-surveillance plane over the South China Sea, crashing both aircraft. Japan and China are now on a metaphorical collision course, too, and any accident when tensions are so high could be the spark in a tinderbox. It’s not difficult to see Beijing issuing orders for Chinese fighters to fire their own warning shots if Japanese jets start doing so. Even though leaders from both countries promise to meet and keep things cool, a faceoff at 20,000 feet is much harder to control than one done more slowly and clearly on the ocean’s surface.¶ This Sino–Japanese standoff also is a problem for the United States, which has a defense treaty with Tokyo and is pledged to come to the aid of Japanese forces under attack. There are also mechanisms for U.S.–Japanese consultations during a crisis, and if Tokyo requests such military talks, Washington would be forced into a difficult spot, since Beijing would undoubtedly perceive the holding of such talks as a serious provocation. The Obama administration has so far taken pains to stay neutral in the dispute; despite its rhetoric of “pivoting” to the Pacific, it has urged both sides to resolve the issue peacefully. Washington also has avoided any stance on the sovereignty of the Senkakus, supporting instead the status quo of Japanese administration of the islands. That may no longer suffice for Japan, however, since its government saw China’s taking to the air over the Senkakus as a significant escalation and proof that Beijing is in no mind to back down from its claims.¶ One does not have to be an alarmist to see real dangers in play here. As Barbara Tuchman showed in her classic The Guns of August, events have a way of taking on a life of their own (and one doesn’t need a Schlieffen Plan to feel trapped into acting). The enmity between Japan and China is deep and pervasive; there is little good will to try and avert conflict. Indeed, the people of both countries have abysmally low perceptions of the other. Since they are the two most advanced militaries in Asia, any tension-driven military jockeying between them is inherently destabilizing to the entire region.¶ Perhaps of even greater concern, neither government has shied away from its hardline tactics over the Senkakus, despite the fact that trade between the two has dropped nearly 4 percent since the crisis began in September. Most worrying, if the two sides don’t agree to return to the status quo ante, there are only one or two more rungs on the ladder of military escalation before someone has to back down or decide to initiate hostilities when challenged. Whoever does back down will lose an enormous amount of credibility in Asia, and the possibility of major domestic demonstrations in response.¶ The prospect of an armed clash between Asia’s two largest countries is one that should bring both sides to their senses, but instead the two seem to be maneuvering themselves into a corner from which it will be difficult to escape. One trigger-happy or nervous pilot, and Asia could face its gravest crisis perhaps since World War II.

#### Draws in the US and goes nuclear

John Blaxland 13, Senior Fellow at the Strategic and Defence Studies Centre, the Australian National University, and Rikki Kersten, Professor of modern Japanese political history in the School of International, Political and Strategic Studies at the College of Asia and the Pacific, the Australian National University, 2/13/13, “Escalating territorial tension in East Asia echoes Europe’s descent into world war,” http://www.eastasiaforum.org/2013/02/13/escalating-territorial-tension-in-east-asia-echoes-europes-descent-into-world-war/

The recent activation of Chinese weapons radars aimed at Japanese military platforms around the Senkaku/Diaoyu Islands is the latest in a series of incidents in which China has asserted its power and authority at the expense of its neighbours. The radars cue supersonic missile systems and give those on the receiving end only a split second to respond. With Japanese law empowering local military commanders with increased discretion to respond (thanks to North Korea’s earlier provocations), such incidents could easily escalate. In an era of well-established UN-related adjudication bodies like the International Court of Justice (ICJ), how has it come to this? These incidents disconcertingly echo past events. In the early years of the 20th century, most pundits considered a major war between the great powers a remote possibility. Several incidents prior to 1914 were handled locally or successfully defused by diplomats from countries with alliances that appeared to guarantee the peace. After all, never before had the world been so interconnected — thanks to advanced communications technology and burgeoning trade. But alliance ties and perceived national interests meant that once a major war was triggered there was little hope of avoiding the conflict. Germany’s dissatisfaction with the constraints under which it operated arguably was a principal cause of war in 1914. Similarly, Japan’s dissatisfaction helped trigger massive conflict a generation later. A century on, many of the same observations can be made in East Asia. China’s rise is coupled with a disturbing surge in jingoism across East and Southeast Asia. China resents the territorial resolution of World War II, in which the United States handed responsibility for the Senkaku/Diaoyu islands to Japan while large chunks of the South China Sea were claimed and occupied by countries that emerged in Southeast Asia’s post-colonial order. Oil and gas reserves are attractive reasons for China to assert itself, but challenging the US place in East Asian waters is the main objective. China resents American ‘re-balancing ‘as an attempt at ‘containment’, even though US dependence on Chinese trade and finance makes that notion implausible. China is pushing the boundaries of the accepted post-Second World War order championed by the United States and embodied by the UN. China’s rapid rise and long-held grievances mean its powerbrokers are reluctant to use institutions like the ICJ. But China’s assertiveness is driving regional states closer into the arms of the United States. Intimidation and assertive maritime acts have been carried out, ostensibly by elements not linked to China’s armed forces. China’s white-painted Chinese Maritime Services and Fisheries Law Enforcement Command vessels operating in the South China Sea and around the Senkaku/Diaoyu islands have evoked strong reactions. But Japan’s recent allegation that China used active radars is a significant escalation. Assuming it happened, this latest move could trigger a stronger reaction from Japan. China looks increasingly as if it is not prepared to abide by UN-related conventions. International law has been established mostly by powers China sees as having exploited it during its ‘century of humiliation’. Yet arguably, it is in the defence of these international institutions that the peaceful rise of China is most likely to be assured. China’s refusal to submit to such mechanisms as the ICJ increases the prospect of conflict. For the moment, Japan’s conservative prime minister will need to exercise great skill and restraint in managing domestic fear and resentment over China’s assertiveness and the military’s hair-trigger defence powers. A near-term escalation cannot be ruled out. After all, Japan recognises that China is not yet ready to inflict a major military defeat on Japan without resorting to nuclear weapons and without triggering a damaging response from the United States. And Japan does not want to enter into such a conflict without strong US support, at least akin to the discreet support given to Britain in the Falklands War in 1982. Consequently, Japan may see an escalation sooner rather than later as being in its interests, particularly if China appears the aggressor. China’s domestic environment has nurtured jingoism. The Chinese state has built up the public’s appetite for vengeance against Japan by manipulating films and history textbooks. On the other hand, Chinese authorities recognise that the peaceful rise advocated by Deng Xiaoping is not yet complete (militarily at least). In the meantime it is prudent to exercise some restraint to avoid an overwhelming and catastrophic response. If the 1914–18 war taught us anything, it is that the outcome of wars is rarely as proponents conceived at the outset.

#### Drones are worse than detention for international perception

Rohde 13 (Stephen, Constitutional lawyer and Chair of the ACLU Foundation of Southern California, “Bush Detained Alleged Terrorists Without Due Process - Obama Is Killing Them With Drones”, 3/13/13, <http://www.truth-out.org/opinion/item/15086-bush-detained-terrorists-without-due-process-obama-is-killing-them-with-drones>)

In the context of the serious constitutional issues surrounding Obama's drone policy, there is much to learn from these Supreme Court decisions. Before and after 9/11, the US military has been fully capable of capturing and detaining alleged terrorists. Even in the war on terror, the court has consistently held that before alleged terrorists, Americans and noncitizens alike, can be denied "life, liberty or property," they are entitled to due process. The court has consistently rejected the presidential claim to unilateral authority to detain suspected terrorists, without charges, without lawyers and without trial. Since alleged terrorists - Americans and noncitizens alike - cannot be denied "liberty" without due process, surely they cannot be denied "life" without due process. The men whom Bush detained in Guantanamo Bay, like the men whom Obama killed by targeted drones, were all accused of being dangerous terrorists who posed a grave threat to America. Yet once Rasul, Iqbal, Hicks, Hamdi, Hamdan and Boumediene were afforded due process, they were eventually released and are alive today. When Padilla and al-Marri were afforded due process, represented by legal counsel, they were duly tried and convicted in a court of law and are serving their sentences. But al-Awlaki, his 16-year-old son, Khan and the others were NOT afforded due process. Instead, they were placed on Obama's "kill list" and were systematically targeted and summarily killed by drones. Summary execution is illegal, as it violates the right of the accused to a fair trial before a punishment of death. Almost all constitutions or legal systems based on common law have prohibited execution without the decision and sentence of a competent judge. The UN's International Covenant on Civil and Political Rights declares that "Every human being has the inherent right to life. This right shall be protected by law. No man shall be deprived of his life arbitrarily." "[The death] penalty can only be carried out pursuant to a final judgment rendered by a competent court." (ICCPR Articles 6.1 and 6.2) Major treaties such as the Geneva Convention and Hague Convention protect the rights of captured regular and irregular members of an enemy's military, along with civilians from enemy states. Prisoners of war must be treated in carefully defined ways which ban summary execution. "No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality." (Second Protocol of the Geneva Conventions (1977) Article 6.2) Obama's use of a "kill list" and the systematic targeting and summary killing of individuals by drones is an unspeakable violation of the constitution, international law and human rights. President Obama's legacy will forever be tarnished, and our constitutional system forever diminished, unless he immediately suspends his illegal policy of targeted drone killings and subjects the entire program to open, transparent and independent review.

#### Unrestrained attacks cause global warfare through miscalculation.

Knoll 12 David L. Knoll is a freelance defense analyst. He is a doctoral candidate in International Relations at the Fletcher School of Law & Diplomacy at Tufts University. “Will America’s Addiction to Drone Strikes Backfire?” October 23, 2012, <http://thediplomat.com/flashpoints-blog/2012/10/23/ok-drone-the-global-proliferation-of-uavs/>, Accessed Date: 6-28-13 y2k

In the first Persian Gulf War, a small group of Iraqi soldiers famously surrendered to an unarmed U.S. drone. Those Iraqi soldiers proved not cowardly in their fear of drones, but prescient: by the next Iraq war, the United States had in its possession a small but growing hanger of pilotless planes armed with air to ground missiles that would soon begin a campaign of targeted killings that has resulted, according to some estimates, in between 2,500 and 3,500 deaths in Pakistan alone. Outside of the United States, there are 75 countries that possess or are developing unmanned aerial vehicle (UAV) technology. The swift pace of the development and deployment of UAVs is unsurprising given the nature of the technology. Drones are politically expedient because using them does not require putting troops in harm’s way. Therein lies the danger: there is very little political cost associated with employing drones, thus making it easier for political leaders to employ force. Lowering this threshold will create an important problem in the years to come as armed drones proliferate, as unarmed drones already have. If history repeats itself, this technology will be used against U.S. interests in the not too distant future. Since the Gulf War, UAVs have advanced from simple tactical reconnaissance units to advanced stealth platforms. The Pentagon initiated a program to develop UAVs in 1998 after two missed attempts to kill Osama Bin Laden with cruise missiles. Just three years later, a Predator drone killed al-Qaeda military chief Mohammed Atef in Kabul, marking the first UAV-initiated fatality. This early success initiated a hurried increase in U.S. drone production. From 2002 to 2010 there was a 40-fold increase in American UAVs. Today the total is approximately 7,000 units. The arsenal includes drones that fit all missions and capabilities: tactical to strategic, reconnaissance to assassination and hand-launched to jet powered. UAV development has not just been limited to the United States. The speed at which UAV proliferation has followed initial development is extraordinary. This proliferation is driven by both exports and indigenous development. According to the Government Accountability Office (GAO), in 2005 there were already 41 countries that had a UAV capacity. By 2012 that number has almost doubled to 76. There are some 50 countries developing 900 different UAV systems, the remainder having procured their capability from the emerging cadre of drone exporters. The United States and Israel dominate the export market, but South Africa, Germany, Austria, and Italy all export UAV technology, as well. The spread of UAVs has also reached America’s foes. Iran touts an indigenously developed UAV program that includes unarmed reconnaissance drones and (purportedly) kamikaze attack drones. More alarmingly, Iran has transferred UAVs to its non-state allies, such as Hezbollah. Just this month Israel shot down a Hezbollah operated drone a mere 30km from the Dimona nuclear facility. The unit was a rudimentary reconnaissance UAV, but just as armed drone development lagged behind non-armed drone development in the United States, there is no reason to believe that the proliferation of armed drones won’t soon follow. So what sort of a threat does the proliferation of armed UAVs represent? The main threat is that future operators will use them as frequently as the United States does. As the most visible user of armed UAVs, American officials already realize that the United States is “establishing precedents that other nations may follow.” As armed drones proliferate, UAV attacks could become commonplace as foreign leaders will not face the same domestic restraints as they do when employing soldiers. With fewer constraints on the use of force, decision-makers might use force more often. This is destabilizing, as more frequent employment of armed drones will increase the chances of miscalculation of what an opponent will tolerate before resorting to full-scale war. This is not to argue that the United States should halt armed UAV missions, but rather make them less frequent. Drone strikes, combined with precise intelligence and targeting, are an important tactic in the U.S. counterterrorism strategy. Yet, policymakers must not become overly reliant on UAV strikes; they are a tactic and cannot masquerade as a strategy. Drone strikes should be reserved for high-level terrorist targets. By limiting the frequency of UAV strikes, the United States will help set the precedent that drone strikes are just one more tool in the arsenal, not a new type of unrestricted warfare. Unmanned aerial vehicles are here to stay, which is largely good. Without the need to cater to the material needs of human pilots, UAVs can potentially redefine what is possible in flight, bringing new capabilities to reconnaissance, search & rescue, scientific research, and air transport. Armed UAVs are an important military instrument for the United States, which is the world leader in drone technology. The United States should maintain this technological supremacy. However, policymakers should be mindful of the dangers of the norms they are setting. The over-use of armed UAVs sets a dangerous precedent that future drone-operating countries might follow to the detriment of global security. The president should seek to strictly curtail UAV strikes to ensure that they contribute to rather than detract from U.S. and global security.

#### Drone proliferation undermines pro-democratic forces

Boyle 13 Michael J. Boyle is Assistant Professor of Political Science @ La Salle University, “The costs and consequences of drone warfare,” <http://www.chathamhouse.org/sites/default/files/public/International%20Affairs/2013/89_1/89_1Boyle.pdf>, International Affairs 89: 1 (2013) 1–29, Accessed Date: 6-4-13 y2k

Finally, drones have the capacity to strengthen the surveillance capacity of both democracies and authoritarian regimes, with significant consequences for civil liberties. In the UK, BAE Systems is adapting military-designed drones for a range of civilian policing tasks including ‘monitoring antisocial motorists, protesters, agricultural thieves and fly-tippers’.149 Such drones are also envisioned as monitoring Britain’s shores for illegal immigration and drug smuggling. In the United States, the Federal Aviation Administration (FAA) issued 61 permits for domestic drone use between November 2006 and June 2011, mainly to local and state police, but also to federal agencies and even universities.150 According to one FAA estimate, the US will have 30,000 drones patrolling the skies by 2022.151 Similarly, the European Commission will spend US$260 million on Eurosur, a new programme that will use drones to patrol the Mediterranean coast.152 The risk that drones will turn democracies into ‘surveillance states’ is well known, but the risks for authoritarian regimes may be even more severe. Authoritarian states, particularly those that face serious internal opposition, may tap into drone technology now available to monitor and ruthlessly punish their opponents. In semi-authoritarian Russia, for example, drones have already been employed to monitor pro-democracy protesters.153 One could only imagine what a truly murderous authoritarian regime—such as Bashar al-Assad’s Syria—would do with its own fleet of drones. The expansion of drone technology may make the strong even stronger, thus tilting the balance of power in authoritarian regimes even more decisively towards those who wield the coercive instruments of power and against those who dare to challenge them.

## Legit

#### Unipolarity doesn’t solve war- that’s Fettweis

#### Empirical data- hegemonic stability theory has no empirical basis- in the 90’s the U.S. decreased military spending and the world grew more peaceful

#### Overestimation- their argument exaggerates the role of the U.S.- the only way there can be stability is self-policing- if the normative shift had not occurred- heg would have no effect

#### Correlation- the connection between unipolarity and stability has only been coincidental

#### States are influenced by self-interests not attractiveness

Ogoura 6 The Limits of Soft Power, Kazuo Ogoura, President, Japan Foundation, This article was translated from "Sofuto pawa ron no shikaku," Wochi Kochi (a quarterly journal by the Japan Foundation,) June/July 2006, pp. 60-65 by Japan Echo Inc. and reproduced from Japan Echo, Vol. 33, No.5 (October, 2006) http://ics-www.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=7&paper=3076

There is, however, an undeniable weak spot in Nye's argument. The problem is that if compulsion or threats are used in conjunction with soft power, much will depend on whether one is viewing the situation from the perspective of the party exercising the power or from that of the party coming under pressure. Regardless of whether or not the party exercising power actually has coercive or threatening designs, when seen from the viewpoint of the target of this power - the party under pressure - there is always going to be some perception of threat or coercion. For example, when forming a multinational force without a resolution from the United Nations, the United States has been known to apply political pressure as a form of "soft" persuasion to "help" other countries decide whether or not to participate in the force. Can it really be said that this is neither coercive nor threatening? ¶ A further problem with the soft power concept concerns technology. Soft power is generally seen as referring to values and culture, but if soft power is to be ranked alongside military and economic power, shouldn't greater importance also be attached to technological power? It is possible to argue that technology comes under the umbrella of economic power, or that military technology is included in military power, but how should technology be positioned vis-à-vis the standard elements of soft power, like culture and ideas? This question requires closer consideration. ¶ Another reason for the misunderstandings surrounding the concept of soft power is confusion over who or what actually exercises this power. Power is generally thought of as something wielded by states, governments, or public authorities, but the argument has developed in some quarters that soft power is instead suited to use by nongovernmental organizations or citizens' groups. However, NGOs differ from states in that they lack the economic or physical power to impose their positions on others; we therefore need to be rather cautious about using the concept of power in this context. What NGOs can do is play a part in shaping public opinion, which in turn has a bearing on how and to what extent governments (states) use power; in other words, the NGOs should be seen as indirect media rather than power-wielding actors in their own right. ¶ All of these problems have arisen because there is confusion in the debate over where soft power is exercised. Soft power should be discussed in connection with the exercise of power in the international community rather than in the context of domestic politics. Domestically, the state wields economic and physical coercive power through such means as tax collection and law enforcement. The international community, however, has neither a single body for maintaining public order nor any means of economic coercion; in short, it has no united government. It makes no sense, therefore, to discuss the exercise of power in the international community in the same dimension as the exercise of power at domestic level. (It is not correct, for example, to view US domestic public opinion during the Vietnam War as a type of soft power.) ¶ One blind spot in the soft power concept is the confusion over the source of this power. For Nye and many others, the power of soft power lies in "attraction." The problem with this idea, however, is that it views things from the perspective of the party exercising power. Seen from the viewpoint of the party being influenced by the power, the question of whether accepting the power accords with this party's own interests is likely to be a far more important consideration than the attraction of the power. Here we must keep in mind that sovereign nations in the international community act not on the basis of likes and dislikes but in accordance with their own interests. No matter how attractive a given country may be, other countries will not accept its attractive power if it obstructs their freedom of action or adversely affects their economic interests. Hollywood movies, for instance, are often cited as a source of American soft power, but in France they have been subject to partial restriction precisely because of their attractiveness.

#### Relationships between countries are too complex for soft power to have any effect

Fan 8 SOFT POWER: POWER OF ATTRACTION OR CONFUSION? Place Branding and Public Diplomacy (2008) 4:2, 147-158, Ying Fan, Brunel Business School Brunel University, http://bura.brunel.ac.uk/bitstream/2438/1594/3/FullText.pdf

Despite its popularity soft power remains power of confusion. The paper examines the concept, with a special focus on the nature and sources of soft power. Nye’s notion of soft power is largely ethnocentric and based on the assumption that there is a link between attractiveness and the ability to influence others in international relations. This poses two problems: Firstly, a country has many different actors. Some of them like the attraction and others don’t. Whether the attraction will lead to the ability to influence the policy of the target country depends on which groups in that country find it attractive and how much control they have on policymaking. Secondly, policymaking at the state level is far more complicated than at the personal level; and has different dynamics that emphasise the rational considerations. This leaves little room for emotional elements thus significantly reducing the effect of soft power. Given the nature of soft power being uncontrollable and unpredictable, it would be impossible to wield soft power in any organised and coordinated fashion as Nye suggested. Furthermore, the relationship between two countries is shaped by many complex factors. It is ultimately decided by the geopolitics and strategic interests of nations, in which soft power may play only a limited role. The paper also discusses the link between soft power and nation branding as both concepts are concerned with a nation’s influence on the world stage. Public diplomacy is a subset of nation branding that focuses on the political brand of a nation; whereas nation branding is about how a nation as whole to reshape the international opinions. A successful nation branding campaign will help create a more favourable and lasting image among the international audience thus further enhancing a

#### No impact to warming

**Lindzen 9**—Richard S. Lindzen is the Alfred P. Sloan Professor of Atmospheric Sciences at Massachusetts Institute of Technology.

“Resisting climate hysteria” 8-14-09 <http://www.thepeoplesvoice.org/TPV3/Voices.php/2009/08/14/resisting-climate-hysteria> Accessed date: 7-15-12 y2k

Climate alarmists respond that some of the hottest years on record have occurred during the past decade. Given that we are in a relatively warm period, this is not surprising, but it says nothing about trends. Given that the evidence (and I have noted only a few of many pieces of evidence) strongly implies that anthropogenic warming has been greatly exaggerated, the basis for alarm due to such warming is similarly diminished. However, a really important point is that the case for alarm would still be weak even if anthropogenic global warming were significant. Polar bears, arctic summer sea ice, regional droughts and floods, coral bleaching, hurricanes, alpine glaciers, malaria, etc. etc. all depend not on some global average of surface temperature anomaly, but on a huge number of regional variables including temperature, humidity, cloud cover, precipitation, and direction and magnitude of wind. The state of the ocean is also often crucial. Our ability to forecast any of these over periods beyond a few days is minimal (a leading modeler refers to it as essentially guesswork). Yet, each catastrophic forecast depends on each of these being in a specific range. The odds of any specific catastrophe actually occurring are almost zero. This was equally true for earlier forecasts of famine for the 1980's, global cooling in the 1970's, Y2K and many others. Regionally, year to year fluctuations in temperature are over four times larger than fluctuations in the global mean. Much of this variation has to be independent of the global mean; otherwise the global mean would vary much more. This is simply to note that factors other than global warming are more important to any specific situation. This is not to say that disasters will not occur; they always have occurred and this will not change in the future. Fighting global warming with symbolic gestures will certainly not change this. However, history tells us that greater wealth and development can profoundly increase our resilience.

#### Adaptation checks- plan prevents

Borick and Rabe 12 Christopher Borick, Prof @ Muhlenberg, and Barry G. Rabe, senior fellow @ Brookings, May 2012, “Americans Cool on Geoengineering Approaches to Addressing Climate Change,” Issues in Governance Studies, Iss. 47, http://www.brookings.edu/~/media/research/files/papers/2012/5/30%20geo%20engineering%20rabe%20borick/30%20geo%20engineering%20rabe%20borick.pdf

With expanding concern that climate change is already impacting environments around the planet there has been increasing discussion and planning for methods of climate adaptation. From measures to fortify coastal areas from rising sea levels to research on agricultural practices during prolonged droughts, climate adaptation efforts are intensifying on an international level. Given the limited success in efforts to mitigate increasing temperatures, some have suggested that governments would be better served if they concentrated on finding ways to adapt to a warmer planet rather than trying to stop warming from happening. This could involve a wide range of initiatives such as adjusting to higher temperatures or rising sea levels. The results of the NSAPOCC, which was fielded in December of 2011, indicate that the American public largely rejects the notion that governments should stop mitigation efforts and turn to adaptation measures. Two out of every three Americans said that they do not agree that we should shift attention away from trying to stop global warming and instead focus on adaptation.

#### Alt cause- Deforestation

Howden 7 Daniel, 5/14/2007, The Independent, “Deforestation: The hidden cause of global warming”, http://www.independent.co.uk/environment/climate-change/deforestation-the-hidden-cause-of-global-warming-448734.html

The accelerating destruction of the rainforests that form a precious cooling band around the Earth's equator, is now being recognised as one of the main causes of climate change. Carbon emissions from deforestation far outstrip damage caused by planes and automobiles and factories. The rampant slashing and burning of tropical forests is second only to the energy sector as a source of greenhouses gases according to report published today by the Oxford-based Global Canopy Programme, an alliance of leading rainforest scientists. Figures from the GCP, summarising the latest findings from the United Nations, and building on estimates contained in the Stern Report, show deforestation accounts for up to 25 per cent of global emissions of heat-trapping gases, while transport and industry account for 14 per cent each; and aviation makes up only 3 per cent of the total. "Tropical forests are the elephant in the living room of climate change," said Andrew Mitchell, the head of the GCP. Scientists say one days' deforestation is equivalent to the carbon footprint of eight million people flying to New York. Reducing those catastrophic emissions can be achieved most quickly and most cheaply by halting the destruction in Brazil, Indonesia, the Congo and elsewhere. No new technology is needed, says the GCP, just the political will and a system of enforcement and incentives that makes the trees worth more to governments and individuals standing than felled. "The focus on technological fixes for the emissions of rich nations while giving no incentive to poorer nations to stop burning the standing forest means we are putting the cart before the horse," said Mr Mitchell. Most people think of forests only in terms of the CO2 they absorb. The rainforests of the Amazon, the Congo basin and Indonesia are thought of as the lungs of the planet. But the destruction of those forests will in the next four years alone, in the words of Sir Nicholas Stern, pump more CO2 into the atmosphere than every flight in the history of aviation to at least 2025. Indonesia became the third-largest emitter of greenhouse gases in the world last week. Following close behind is Brazil. Neither nation has heavy industry on a comparable scale with the EU, India or Russia and yet they comfortably outstrip all other countries, except the United States and China. What both countries do have in common is tropical forest that is being cut and burned with staggering swiftness. Smoke stacks visible from space climb into the sky above both countries, while satellite images capture similar destruction from the Congo basin, across the Democratic Republic of Congo, the Central African Republic and the Republic of Congo. According to the latest audited figures from 2003, two billion tons of CO2 enters the atmosphere every year from deforestation. That destruction amounts to 50 million acres - or an area the size of England, Wales and Scotland felled annually. The remaining standing forest is calculated to contain 1,000 billion tons of carbon, or double what is already in the atmosphere. As the GCP's report concludes: "If we lose forests, we lose the fight against climate change." Standing forest was not included in the original Kyoto protocols and stands outside the carbon markets that the report from the International Panel on Climate Change (IPCC) pointed to this month as the best hope for halting catastrophic warming. The landmark Stern Report last year, and the influential McKinsey Report in January agreed that forests offer the "single largest opportunity for cost-effective and immediate reductions of carbon emissions". International demand has driven intensive agriculture, logging and ranching that has proved an inexorable force for deforestation; conservation has been no match for commerce. The leading rainforest scientists are now calling for the immediate inclusion of standing forests in internationally regulated carbon markets that could provide cash incentives to halt this disastrous process. Forestry experts and policy makers have been meeting in Bonn, Germany, this week to try to put deforestation on top of the agenda for the UN climate summit in Bali, Indonesia, this year. Papua New Guinea, among the world's poorest nations, last year declared it would have no choice but to continue deforestation unless it was given financial incentives to do otherwise. Richer nations already recognise the value of uncultivated land. The EU offers €200 (£135) per hectare subsidies for "environmental services" to its farmers to leave their land unused. And yet there is no agreement on placing a value on the vastly more valuable land in developing countries. More than 50 per cent of the life on Earth is in tropical forests, which cover less than 7 per cent of the planet's surface. They generate the bulk of rainfall worldwide and act as a thermostat for the Earth. Forests are also home to 1.6 billion of the world's poorest people who rely on them for subsistence. However, forest experts say governments continue to pursue science fiction solutions to the coming climate catastrophe, preferring bio-fuel subsidies, carbon capture schemes and next-generation power stations. Putting a price on the carbon these vital forests contain is the only way to slow their destruction. Hylton Philipson, a trustee of Rainforest Concern, explained: "In a world where we are witnessing a mounting clash between food security, energy security and environmental security - while there's money to be made from food and energy and no income to be derived from the standing forest, it's obvious that the forest will take the hit."

#### No correlation between hegemony and peace

Preble 10 U.S. Military Power: Preeminence for What Purpose? CHRISTOPHER A. PREBLE, vice president for defense and foreign policy studies at the Cato Institute, Preble holds a Ph.D. in history from Temple University, AUGUST 3, 2010, http://www.cato.org/blog/us-military-power-preeminence-what-purpose

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.

## Model

#### Courts aren’t modeled-

#### Overall soft power- negative perception of U.S. makes foreign courts not want to cite opinion with a nation unpopular with their public

#### Legal influence- foreign citations are decreasing they are looking to European Courts

#### Failure to cite international legal decisions kills it’s model

Liptak, Sept 17, 2008

(Adam, New York Times, U.S. Court Is Now Guiding Fewer Nations, <http://www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all&_r=0>)

The adamant opposition of some Supreme Court justices to the citation of foreign law in their own opinions also plays a role, some foreign judges say.¶ “Most justices of the United States Supreme Court do not cite foreign case law in their judgments,” Aharon Barak, then the chief justice of the Supreme Court of Israel, wrote in the Harvard Law Review in 2002. “They fail to make use of an important source of inspiration, one that enriches legal thinking, makes law more creative, and strengthens the democratic ties and foundations of different legal systems.”¶ Partly as a consequence, Chief Justice Barak wrote, the United States Supreme Court “is losing the central role it once had among courts in modern democracies.”¶ Justice Michael Kirby of the High Court of Australia said that his court no longer confined itself to considering English, Canadian and American law. “Now we will take information from the Supreme Court of India, or the Court of Appeal of New Zealand, or the Constitutional Court of South Africa,” he said in an interview published in 2001 in The Green Bag, a legal journal. “America” he added, “is in danger of becoming something of a legal backwater.” The signature innovations of the American legal system — a written Constitution, a Bill of Rights protecting individual freedoms and an independent judiciary with the power to strike down legislation — have been consciously emulated in much of the world. And American constitutional law has been cited and discussed in countless decisions of courts in Australia, Canada, Germany, India, Israel, Japan, New Zealand, South Africa and elsewhere.

#### Rightward shift and development of domestic courts has killed our model

Liptak, Sept 17, 2008

(Adam, New York Times, U.S. Court Is Now Guiding Fewer Nations, http://www.nytimes.com/2008/09/18/us/18legal.html?pagewanted=all&\_r=0)

The rightward shift of the Supreme Court may partly account for its diminished influence. Twenty years ago, said Anthony Lester, a British barrister, the landmark decisions of the court were “studied with as much attention in New Delhi or Strasbourg as they are in Washington, D.C.”¶ That is partly because the foundational legal documents of many of the world’s leading democracies are of quite recent vintage. The Indian Constitution was adopted in 1949, the Canadian Charter of Rights and Freedoms in 1982, the New Zealand Bill of Rights in 1990 and the South African Constitution in 1996. All drew on American constitutional principles.¶ Particularly at first, courts in those nations relied on the constitutional jurisprudence of the United States Supreme Court, both because it was relevant and because it was the essentially the only game in town. But as constitutional courts around the world developed their own bodies of precedent and started an international judicial conversation, American influence has dropped.¶ Judge Guido Calabresi of the federal appeals court in New York, a former dean of Yale Law School, has advocated continued participation in that international judicial conversation.¶ “Since World War II, many countries have adopted forms of judicial review, which — though different from ours in many particulars — unmistakably draw their origin and inspiration from American constitutional theory and practice,” he wrote in a 1995 concurrence that cited the German and Italian constitutional courts.¶ “These countries are our ‘constitutional offspring,’ ” Judge Calabresi wrote, “and how they have dealt with problems analogous to ours can be very useful to us when we face difficult constitutional issues. Wise parents do not hesitate to learn from their children.” (Judge Calabresi is Professor Calabresi’s uncle.)¶ The openness of some legal systems to foreign law is reflected in their constitutions. The South African Constitution, for instance, says that courts interpreting its bill of rights “must consider international law” and “may consider foreign law.” The constitutions of India and Spain have similar provisions.¶ Many legal scholars singled out the Canadian Supreme Court and the Constitutional Court of South Africa as increasingly influential.¶ “In part, their influence may spring from the simple fact they are not American,” Dean Slaughter wrote in a 2005 essay, “which renders their reasoning more politically palatable to domestic audience in an era of extraordinary U.S. military, political, economic and cultural power and accompanying resentments.”¶ Frederick Schauer, a law professor at the University of Virginia, wrote in a 2000 essay that the Canadian Supreme Court had been particularly influential because “Canada, unlike the United States, is seen as reflecting an emerging international consensus rather than existing as an outlier.”¶ In New Zealand, for instance, Canadian decisions were cited far more often than those of any other nation from 1990 to 2006 in civil rights cases, according to a recent study in The Otago Law Review in Dunedin, New Zealand.¶ “As Canada’s judges are, by most accounts, the most judicially activist in the common-law world — the most willing to second-guess the decisions of the elected legislatures — reliance on Canadian precedents will worry some and delight others,” the study’s authors wrote. ¶ American precedents were cited about half as often as Canadian ones. “It is surprising,” the authors wrote, “that American cases are not cited more often, since the United States Bill of Rights precedents can be found on just about any rights issue that comes up.”¶

#### Democracy doesn’t solve war – allows nationalism to rule government choices

**Rosato ‘3** Sebastian Rosato, PhD @ The University of Chicago, AMERICAN POLITICAL SCIENCE REVIEW, The Flawed Logic of Democratic Peace Theory, vol. 97, issue 4, pg. 11

Second, any public aversion to incurring the costs of war may be overwhelmed by the effects of nationalism. In addition to the growth of democracy, one of the most striking features of the modern period is that people have come to identify themselves, above all, with the nation state. This identification has been so powerful that ordinary citizens have repeatedly demonstrated a willingness to fight and die for the continued existence of their state and the security of their co-nationals. There are, then, good reasons to believe that if the national interest is thought to be at stake, as it is in most interstate conflicts, calculations of costs will not figure prominently in the public’s decision process. Third, democratic leaders are as likely to lead as to follow public opinion. Since nationalism imbues people with a powerful spirit of self-sacrifice, it is actively cultivated by political elites in the knowledge that only highly motivated armies and productive societies will prevail in modern warfare (e.g., Posen 1993). Democratically elected leaders are likely to be well placed to cultivate nationalism, especially because their governments are often perceived as more representative and legitimate than authoritarian regimes. Any call to defend or spread “our way of life,” for example, is likely to have a strong resonance in democratic polities, and indeed the historical record suggests that wars have often given democratic leaders considerable freedom of action, allowing them to drum up nationalistic fervor, shape public opinion, and suppress dissent despite the obligation to allow free and open discussion.

#### Modeling fails – different cultures and resources

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

#### Authoritarian states don’t follow norms — their “US justifies others” arg is naive

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.

#### Human Rights Cred is irrelevant — public opinion, global norms, and NGO networks outweigh US policy

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.

#### Uigahur terrorist threat highly overstated- 4 reasons plus only one confirmed act of terrorism

Sean Roberts, March, 2012

(PhD, Associate Professor of the Practice of International Affairs at George Washington University,) Imaginary Terrorism? T HE G LOBAL W AR ON T ERROR AND THE N ARRATIVE OF THE U YGHUR T ERRORIST T HREAT, Ponars Eurasia Working Paper, http://www.gwu.edu/~ieresgwu/assets/docs/ponars/RobertsWP.pdf

One means of measuring the threat of this or¶ ganization or of Uyghur terrorism more¶ generally is to simply examine the extent to which it, or any Uyghur organization, has succeeded¶ in committing sophisticated terrorist acts in China or elsewhere. Indeed, the chain of reproduced¶ knowledge about Uyghur¶ terrorism attributes numerous terrorist acts to ETIM, and more recently to¶ TIP, in¶ China,¶ Central Asia and¶ even Turkey¶ . As an example, the recently published manuscript on¶ the ETIM described above boasts in its preface that it contains “the most comprehen¶ sive published¶ open¶ -¶ source list of ETIM attacks” available.¶ 35¶ Other articles on ETIM have similarly tried to¶ catalog the terrorist acts of this group as have official communications from the Chinese¶ government. Although all of these lists appear to document¶ an impressive number of terrorist acts,¶ there are several reasons to question their accuracy and relevance to the question at hand.¶ Firstly,¶ there is little reliable information about any of these events. Given the lack of an¶ independent media¶ or transp¶ arent legal system¶ in either China or the Central Asian states, we¶ have no definitive evidence that any of them occurred in the manner that has been officially¶ described¶ .¶ Secondly,¶ the lists of ETIM’s terrorist acts¶ generally¶ include virtually all major vi¶ olence¶ allegedly¶ involving Uyghurs in the region since the early 1990s regardless of motivations and¶ despite the fact that the first official mention of ETIM by the Chinese government was only in¶ 2001.¶ 36¶ Third¶ ly¶ , as Gardner Bovington has shown by researching primary sources, the number of¶ alleged¶ violent acts in the XUAR over the last decade is exponentially less than the averages for other parts of China, where violence, riots, civil unrest, and bombings have become quite¶ commonplace.¶ 37¶ This has led Bovingto¶ n to note that, despite the hype about Uyghur terrorism,¶ “Xinjiang has been far quieter since 2001 than has any part of China proper.”¶ 38¶ Finally¶ , and¶ perhaps most importantly,¶ even if we take at face¶ -¶ value the official accounts of the¶ public¶ incidents¶ of vi¶ olence¶ chronicled in these lists, many of them¶ simply do not qualify as terrorism.¶ This last point suggests the need for further scrutiny of¶ the definition of¶ “terrorism”¶ used¶ in¶ any analysis¶ of ETIM’s¶ alleged¶ “terrorist acts.” Although there is no¶ authoritative definition¶ of¶ “terrorism¶ ,¶ ”¶ this paper adopts¶ that which is¶ contained in Title 22 of the United States Code,¶ Section 2656f(d). According to this statute, “the term terrorism means premeditated, politically¶ motivated violence perpetrated agains¶ t noncombatant targets by subnational groups or¶ clandestine agents, usually intended to influence an audience.”¶ 39¶ In order to apply this definition¶ to the case of the Uyghurs¶ , I have compiled a list of 45 alleged Uyghur terrorist acts¶ that occurred¶ between¶ 1990 and 2011¶ and have analyzed¶ each act to determine¶ the probab¶ i¶ l¶ it¶ y that¶ it was¶ indeed “terrorism¶ .¶ ”¶ In compiling t¶ his list (provided in the appendix)¶ , I have tried to consolidate¶ various other lists I have encountered through my research¶ .¶ 40¶ The result ma¶ y not represent every¶ act of terrorism alleged to have been carried out by Uyghur organizations in the last twenty¶ years, but it certainly covers most of them and includes the most important ones Per¶ the¶ aforementioned¶ definition,¶ I was only able to conclu¶ de that one of these 45 acts of¶ violence was¶ , without reservations,¶ most likely¶ an act of¶ “terrorism.¶ ”¶ This was a 1998 attack on an¶ apartment complex housing employees of the Chinese Consulate in Istanbul, Turkey¶ (incident #19¶ on¶ chart in appendix)¶ .¶ According to Turkish officials, the attack was carried out by a Turkish¶ -¶ born¶ citizen of Turkey and two of his accomplices.¶ 41¶ The Turkish¶ -¶ born leader of the group may or may¶ not be an ethnic Uyghur, but the names of the accomplices suggest that at least one¶ was a¶ Uyghur.¶ 42¶ This was a blatantly political act of violence against non¶ -¶ military personnel and was¶ premeditated¶ .¶ Furthermore, we have conclusive evidence that it was carried out, but it is not clear¶ that it was linked to any Uyghur organization¶ or, for¶ that matter, to any organized group beyond¶ these three individuals¶ .¶ Of the other 44 acts of violence analyzed,¶ I could conclude with confidence¶ that seven¶ were not acts of terrorism (incidents 1, 9, 11, 14, 23, 41, and 42 on chart in appendix)¶ .¶ Four of¶ th¶ ese acts were clearly incidents of civil unrest, most of which began as protests, one was a prison¶ riot, one was an act of sabotage (not necessarily politically motivated), and one was a clash¶ between criminals and the police¶ .¶ In addition,¶ I c¶ oncluded¶ that¶ four¶ teen of the incidents were¶ probably not acts of Uyghur terrorism because the preponderance of evidence suggested that they were either criminal acts¶ , civil¶ unrest, false accusations or acts of violence not perpetrated by¶ Uyghurs (incidents 18, 24¶ -¶ 36,¶ 44).¶ The¶ nature of the remaining 23¶ acts of violence analyzed was inconclusive and¶ wa¶ s¶ categorized as “maybe Uyghur terrorism.¶ ”¶ Of these acts, sixteen occurred prior to the year 2000,¶ and only seven¶ had¶ occurred¶ since the beginning of GWOT¶ and the first pu¶ blic reference to the¶ ETIM¶ .¶ Overall¶ ,¶ these 23 acts of violence included¶ f¶ ive¶ alleged¶ bombings targeting civilian¶ locations¶ , eleven assassinations,¶ four¶ attacks on police or security guards, one alleged mass arson,¶ one alleged attempt to explode an airplane in flight¶ , and one mass¶ outbreak of public violence in¶ Kashgar in the summer of 2011¶ .¶ Due to the lack of transparency in China’s legal system and th¶ e general lack of accurate¶ information coming out of Xinjiang, we know little¶ details¶ about these possible acts of terrorism¶ .¶ While they may have all been premeditated and politically motivated acts of violence, they also¶ could have just as logically been¶ the results of personal vendettas or frustrated rage¶ .¶ Generally,¶ all of the incidents appear to lack the sophistication usually associated with international terrorism,¶ which brings into question their premeditated nature and suggests that¶ , even if premedi¶ tated,¶ they¶ we¶ re not the work of any well¶ -¶ organized “terrorist organization.”

#### Uighurs pose no serious or international terrorism risk

Sean Roberts, March, 2012

(PhD, Associate Professor of the Practice of International Affairs at George Washington University,) Imaginary Terrorism? T HE G LOBAL W AR ON T ERROR AND THE N ARRATIVE OF THE U YGHUR T ERRORIST T HREAT, Ponars Eurasia Working Paper, http://www.gwu.edu/~ieresgwu/assets/docs/ponars/RobertsWP.pdf

In summary, the facts do not support the idea that there is, or has been in recent history, a ¶ substantial and sophisticated Uyghur terrorist threat. The evidence of actual terrorist acts ¶ perpetrated by Uyghurs is largely inconclusive as is the ¶ information about the capacity and reach ¶ of ETIM or TIP as a terrorist group with ties to global terrorism networks. As Gardner Bovington, ¶ who has conducted a¶ broader¶ evidence¶ -¶ based analysis of all mass protests and violent political ¶ acts allegedly perpetr¶ ated by Uyghurs in the XUAR between 1949 and 2005, suggests, “the ¶ events that triggered them (i.e. acts of protest or violence), the organizations that spurred them, ¶ and the issues they raised are far indeed from the themes of global Islamism or transnatio¶ nal terror organizations.”¶ 43¶ Yet, the confidence with which most existing literature discusses Uyghur¶ terrorism, ETIM, and TIP places the burden of proof for determining the legitimacy of claims about¶ the Uyghur terrorist threat on those who remain unconvin¶ ced. In other words, the Uyghurs have¶ become guilty until proven innocent of being tied to global terrorism. If one analyzes all available evidence, the most likely scenario today is that, as in 2001 ¶ when the Guantanamo detainees lived in the alleged ETIM “training camp” in Jalalabad, there ¶ exist small groups of Uyghurs both inside and outside China who wish to c¶ arry out terrorist attacks ¶ in the XUAR, but they have little capacity to do so. Given the animosity that many Uyghurs harbor ¶ for the Chinese state, it is difficult to imagine that there are not at least some who would seek to ¶ use violence to achieve the go¶ al of establishing Uyghur independence. That being said, ¶ the ¶ evidence suggests that such people have never been successful¶ in obtaining substantial outside ¶ support or even in rallying significant numbers of followers. Finally, if such pockets of militant ¶ U¶ yghurs exist either within or outside China, there is no evidence whatsoever that they have ¶ embraced a ¶ jihadist¶ ideology that would pit them against ¶ the United States or any other non¶ -¶ Muslims save the Han Chinese¶ and the Chinese State

.

#### No impact- Uiguhrs can’t carry out organized terrorist attacks

Sean Roberts, March, 2012

(PhD, Associate Professor of the Practice of International Affairs at George Washington University,) Imaginary Terrorism? T HE G LOBAL W AR ON T ERROR AND THE N ARRATIVE OF THE U YGHUR T ERRORIST T HREAT, Ponars Eurasia Working Paper, http://www.gwu.edu/~ieresgwu/assets/docs/ponars/RobertsWP.pdf

As this paper suggests, however, the entire premise of China’s “war on terror” is¶ problematic because it remains unclear whether a militant Uyghur organization even exists that is¶ capable of carrying out substantial and organized acts¶ of terrorism. Furthermore, as the paper¶ also argues, the questionable nature of the PRC’s counterterrorism activities has been obscured by¶ international actions and “expert analysis” that have helped to reaffirm and perpetuate the¶ narrative promoted by th¶ e PRC about the terrorist threat it faces from the Uyghurs. This has had¶ grave consequences for the Uyghurs both inside and outside China, who by most independent¶ accounts have suffered extensive restrictions on their human rights as a result of PRC¶ counte¶ rterrorism policies during the last ten years. In this context, the paper seeks to critically¶ examine the creation and reproduction of the prevailing narrative about Uyghur terrorism that¶ has been presented to the international community while seeking to provide a more cautious and¶ evidence¶ -¶ based evaluation of the threat Uyghur militants pose both to China and the world.

# \*\*\*1NR

## DA

#### Unrestricted drone usage sets a precedent- US key to shape norms

Farley 12 Dr. Robert Farley is an assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky. “Over the Horizon: U.S. Drone Use Sets Global Precedent,” 10-11-12, <http://www.worldpoliticsreview.com/articles/10311/over-the-horizon-u-s-drone-use-sets-global-precedent>, DOA: 7-25-13, y2k

Is the world about to see a "drone race" among the United States, China and several other major powers? Writing in the New York Times, Scott Shane argued that just such an arms race is already happening and that it is largely a result of the widespread use of drones in a counterterror role by the United States. Shane suggests that an international norm of drone usage is developing around how the United States has decided to employ drones. In the future, we may expect that China, Russia and India will employ advanced drone technologies against similar enemies, perhaps in Xinjiang or Chechnya. Kenneth Anderson agrees that the drone race is on, but disagrees about its cause, arguing that improvements in the various drone component technologies made such an arms race inevitable. Had the United States not pursued advanced drone technology or launched an aggressive drone campaign, some other country would have taken the lead in drone capabilities. So which is it? Has the United States sparked a drone race, or was a race with the Chinese and Russians inevitable? While there's truth on both sides, on balance Shane is correct. Arms races don't just "happen" because of outside technological developments. Rather, they are embedded in political dynamics associated with public perception, international prestige and bureaucratic conflict. China and Russia pursued the development of drones before the United States showed the world what the Predator could do, but they are pursuing capabilities more vigorously because of the U.S. example. Understanding this is necessary to developing expectations of what lies ahead as well as a strategy for regulating drone warfare. States run arms races for a variety of reasons. The best-known reason is a sense of fear: The developing capabilities of an opponent leave a state feeling vulnerable. The Germany's build-up of battleships in the years prior to World War I made Britain feel vulnerable, necessitating the expansion of the Royal Navy, and vice versa. Similarly, the threat posed by Soviet missiles during the Cold War required an increase in U.S. nuclear capabilities, and so forth. However, states also "race" in response to public pressure, bureaucratic politics and the desire for prestige. Sometimes, for instance, states feel the need to procure the same type of weapon another state has developed in order to maintain their relative position, even if they do not feel directly threatened by the weapon. Alternatively, bureaucrats and generals might use the existence of foreign weapons to argue for their own pet systems. All of these reasons share common characteristics, however: They are both social and strategic, and they depend on the behavior of other countries. Improvements in technology do not make the procurement of any given weapon necessary; rather, geostrategic interest creates the need for a system. So while there's a degree of truth to Anderson's argument about the availability of drone technology, he ignores the degree to which dramatic precedent can affect state policy. The technologies that made HMS Dreadnought such a revolutionary warship in 1906 were available before it was built; its dramatic appearance nevertheless transformed the major naval powers' procurement plans. Similarly, the Soviet Union and the United States accelerated nuclear arms procurement following the Cuban Missile Crisis, with the USSR in particular increasing its missile forces by nearly 20 times, partially in response to perceptions of vulnerability. So while a drone "race" may have taken place even without the large-scale Predator and Reaper campaign in Pakistan, Yemen and Somalia, the extent and character of the race now on display has been driven by U.S. behavior. Other states, observing the effectiveness -- or at least the capabilities -- of U.S. drones will work to create their own counterparts with an enthusiasm that they would not have had in absence of the U.S. example. What is undeniable, however, is that we face a drone race, which inevitably evokes the question of arms control. Because they vary widely in technical characteristics, appearance and even definition, drones are poor candidates for "traditional" arms control of the variety that places strict limits on number of vehicles constructed, fielded and so forth. Rather, to the extent that any regulation of drone warfare is likely, it will come through treaties limiting how drones are used. Such a treaty would require either deep concern on the part of the major powers that advances in drone capabilities threatened their interests and survival, or widespread revulsion among the global public against the practice of drone warfare. The latter is somewhat more likely than the former, as drone construction at this point seems unlikely to dominate state defense budgets to the same degree as battleships in the 1920s or nuclear weapons in the 1970s. However, for now, drones are used mainly to kill unpleasant people in places distant from media attention. So creating the public outrage necessary to force global elites to limit drone usage may also prove difficult, although the specter of "out of control robots" killing humans with impunity might change that. P.W. Singer, author of "Wired for War," argues that new robot technologies will require a new approach to the legal regulation of war. Robots, both in the sky and on the ground, not to mention in the sea, already have killing capabilities that rival those of humans. Any approach to legally managing drone warfare will likely come as part of a more general effort to regulate the operation of robots in war. However, even in the unlikely event of global public outrage, any serious effort at regulating the use of drones will require U.S. acquiescence. Landmines are a remarkably unpopular form of weapon, but the United States continues to resist the Anti-Personnel Mine Ban Convention. If the United States sees unrestricted drone warfare as being to its advantage -- and it is likely to do so even if China, Russia and India develop similar drone capabilities -- then even global outrage may not be sufficient to make the U.S. budge on its position. This simply reaffirms the original point: Arms races don't just "happen," but rather are a direct, if unexpected outcome of state policy. Like it or not, the behavior of the United States right now is structuring how the world will think about, build and use drones for the foreseeable future. Given this, U.S. policymakers should perhaps devote a touch more attention to the precedent they're setting.

## UQ

#### Group the uniqueness debate---

#### Obama’s PC ensures passage---it’s forcing the GOP to back away from hardline stance and seek compromise---AND---Momentum exists now---even if there’s not a specific bill, bipartisan consensus guarantees eventual compromise. Prefer 1nc Calmes evidence because it cites the most recent negotiation that happened between the GOP leaders and Obama two days ago that NONE of your evidence assumes.

#### Their NPR evidence is from a MONTH ago and mentions thins like Syria and Summers which are all done-battles---prefer issue specific uniqueness evidence from TODAY that says that Obama has sufficient capital and debt ceiling will pass.

#### Your Hill evidence says “Negotiations only work if there are two people at the table,””---they are ALREADY AT THE TABLE---most recent debate proves.

#### Debt ceiling will pass---Obama PC is key

Holland & Rampton 10/12 Steve Holland and Roberta Rampton are Reuters Staff Reporters, “Obama pressures Republicans to raise debt ceiling, end shutdown,” 10-12-13, <http://www.reuters.com/article/2013/10/12/us-usa-fiscal-idUSBRE98N11220131012>, DOA: 10-12-13, y2k

(Reuters) - President Barack Obama pressured Republican lawmakers on Saturday to agree to raise the U.S. debt ceiling for longer than they would prefer, as their fiscal impasse dragged into the weekend with five days left to find a deal. The budget battle between Obama and Republicans who control the House of Representatives has idled hundreds of thousands of government workers hit by a 12-day government shutdown and put the United States at risk of a historic debt default, possibly by next Thursday, unless the borrowing limit is raised. With the potential of an economic calamity looming, Obama and his Republican opponents are trying to agree on how long to extend the debt ceiling, with Republicans wanting to limit the extension to six weeks to try force more concessions out of the president. Obama made clear in his weekly address Saturday that he wants a longer debt ceiling extension to get the U.S. economy through the holiday shopping season without a convulsive shock. Republicans want a commitment to broader deficit-reduction talks from the White House. "It wouldn't be wise, as some suggest, to kick the debt ceiling can down the road for a couple of months, and flirt with a first-ever intentional default right in the middle of the holiday shopping season," Obama said. While Obama's talks with House Republicans on Thursday and Senate Republicans on Friday were seen as a constructive sign of progress, there appears to be still a ways to go and many details to iron out before a deal can be clinched. North Dakota Republican Senator John Hoeven said there are enough ideas being discussed to get to an agreement, but the key now is finding the right combination of them that can pass both the House and Democratic-controlled Senate. "I do think it's going to take a few days here to get that right combination, but I'm hopeful we'll get a deal," Hoeven told Reuters. He said Republicans are willing to lift the debt ceiling and end the shutdown but want to make sure that government spending is cut - something they have been trying to negotiate with the White House for months without success. "I want to see the government get opened and I want to see a debt-ceiling solution. But we've got to use this time as well to find some savings and reforms, and we are talking about what savings and reforms we can get people to agree to," he said. Republicans have been knocked on their heels by polls showing Americans largely blame them for triggering the crisis, a political dynamic that has strengthened Obama's hand. The president has been unyielding in his insistence that he will not negotiate over the debt ceiling.

#### Debt ceiling will be raised, but it’s going to be close---continual focus is key

Burlij & Polantz 10/10 Terence Burlij and Ketelyn Polantz are Staff Reporters @ PBS Newshour, “GOP leaders open door to new strategy,” 10-10-13, <http://www.pbs.org/newshour/rundown/2013/10/gop-leaders-open-door-to-new-strategy.html>, DOA: 10-10-13, y2k

After making several runs at defunding or delaying President Barack Obama's health care law, it appears some Republican leaders on Capitol Hill are ready to relent on that demand in an attempt to reopen the federal government and avert a potential default on the country's debt. The willingness of GOP lawmakers to embrace a different strategy comes as polls show the party has absorbed much of the blame for the shutdown. A Gallup survey released Wednesday found that the Republican Party's favorability has declined to a record low, with 28 percent of the public viewing the GOP favorably. That was down from 38 percent last month. The president is scheduled to meet Thursday afternoon with a group of 18 House Republicans to discuss how the two sides might resolve the pair of fiscal disputes. The entire House GOP conference had been invited to the White House for the gathering, but an aide to House Speaker John Boehner suggested a smaller negotiating team would be more likely to find a solution. White House press secretary Jay Carney said in a statement that the president is "disappointed" the speaker is "preventing" his members from attending the session. Still, two of the Republicans who will be in attendance Thursday are partly responsible for signalling a shift in the party's strategy. House Majority Leader Eric Cantor and House Budget Committee Chairman Paul Ryan each penned editorials Wednesday urging the president to enter into negotiations with Republicans, but neither issued ultimatums when it came to changing the health care law. (Cantor's appeared in the Washington Post, while Ryan wrote for the Wall Street Journal.) Ryan, the GOP's 2012 vice presidential nominee, called on Mr. Obama to support "common-sense reforms of the country's entitlement programs and tax code." He wrote: This isn't a grand bargain. For that, we need a complete rethinking of government's approach to helping the most vulnerable, and a complete rethinking of government's approach to health care. But right now, we need to find common ground. We need to open the federal government. We need to pay our bills today--and make sure we can pay our bills tomorrow. So let's negotiate an agreement to make modest reforms to entitlement programs and the tax code. Following a meeting with House Democrats on Wednesday, Carney released a statement saying the president remained willing to enter into broader talks about the budget, but only after Congress votes to get the government back up and running and lift the country's borrowing limit. "The President discussed his desire, once the threat of default is removed and the government is reopened, to engage with both sides on a discussion of how we achieve a broader budget agreement that puts job creation, economic growth, and a strong middle class front and center," Carney said. In addition to his meeting with House Republicans, the president will also sit down Thursday with Senate Democrats. A meeting with Senate Republicans is also expected to occur, but a date has yet to be announced. In the meantime, Politico's Burgess Everett and Manu Raju report that Senate Minority Leader Mitch McConnell has quietly been gauging the support of his members for receiving other concessions as part of a deal to end the shutdown and raise the debt ceiling: Among the ideas under serious consideration are a repeal of medical device tax in the health care law, a plan to verify that those seeking subsidies under Obamacare prove their income level and a proposal to grant additional flexibility to federal agencies to implement sequestration cuts. The under-the-radar effort is the latest sign that Republicans in the Senate are actively looking for a new way out of a fiscal crisis that polls show is causing their party more harm in the eyes of voters. Since Republicans refuse to accept Democratic demands for a straight extension of the debt ceiling and a stop-gap spending measure, Republican senators are trying to more clearly spell out what it wants out of the fight -- after the party was badly divided on whether to make the fight about gutting Obamacare. Those proposals could be paired with a two-month increase of the national debt ceiling and a six-month continuing resolution to reopen the government at a $986-billion funding level that both parties have agreed to, under one package discussed among McConnell and GOP senators on Wednesday, sources said. McConnell is not endorsing the proposal, aides stressed, but is simply taking the temperature of his caucus. The president said Tuesday that he would accept a short-term agreement to open the government and raise the debt ceiling to provide time for negotiations to take place. But that would leave lawmakers a fairly narrow window to reach an agreement on significant issues such as entitlement programs and reforming the tax code. And given the current political climate in Washington, that will be no easy task.

#### Vote counts for passage

Wolf 10/8 By the numbers: Shutdown and debt ceiling, Z. Byron Wolf, CNN, October 8, 2013, http://www.cnn.com/2013/10/08/politics/btn-shutdown-debt-ceiling/index.html

The number of members of Congress -- 200 Democrats and 18 Republicans -- CNN has identified who have said (and still say) they would vote for a "clean" government funding bill. That's one more vote than would be needed to pass the funding bill. Of course, if Boehner brought a "clean CR" to the floor, there's a good chance more Republicans would join in.

## Intrinsicness

#### Links prove the DA is intrinsic

#### Intrinsicness is bad:

#### Excludes politics ---voter because we lose core neg strat and timely education on congressional agenda.

#### Infinitely regressive- no disad would be legitimate because an intervening actor can solve the impact

#### If this is true, a rational policymaker could find ways to solve the case advantages and not link to politics

#### Advocating both is extra-topical and it’s a voting issue- unpredictable and proves the resolution insufficient

## Link

#### Now the link debate

#### Their Alexander evidence doesn’t say ANYTHING about the popularity of the plan---only says that Congress is restricting Obama’s authority BUT our argument was NOT losers lose, but rather pushing for new detention policies cause him to lose the PC because it causes massive backlash---our Kunn evidence says that even if there’s some faction who supports the plan, opposition is overwhelming---outweighs. That’s Counsel.

#### Obviously doesn’t thump the DA because it’s about restriction that happened a long time ago.

#### Their Kriner argument doesn’t make sense---says that there’s an interbranch cooperation, BUT that’s not true in the context of our link---if we win that plan is UNPOPULAR that doesn’t cause cooperation.

#### National security court causes chaotic debate---OVERWHELM Obama’s PC.

Finn 9 Administration Won't Seek New Detention System, Peter Finn, Washington Post (9.24.09) http://www.nationalsecuritylaw.net/Article.No%20New%20Detention%20System%20(WP%209.24.09).htm

The Obama administration has decided not to seek legislation to establish a new system of preventive detention to hold terrorism suspects and will instead rely on a 2001 congressional resolution authorizing military force against al-Qaeda and the Taliban to continue to detain people indefinitely and without charge, according to administration officials.¶ Leading congressional Democrats and members of the civil rights community had signaled opposition to any new indefinite-detention regime, fearing that it would expand government powers and undermine the rule of law and U.S. legal traditions.¶ The administration's decision avoids a potentially rancorous debate that could alienate key allies at a time when President Obama needs congressional and public support to transfer detainees held at the military prison at Guantanamo Bay, Cuba, to the United States for trial or continued incarceration.¶ The administration has concluded that its detention powers, as currently accepted by the federal courts, are adequate to the task of holding some Guantanamo Bay detainees indefinitely. And although legal advocacy groups, such as the American Civil Liberties Union, are unhappy with the existing system, they acknowledge that it has enabled some detainees to win their release and limited government power in ways that any new law might not.¶ "This is very welcome news and very big news," said Christopher Anders, senior legislative counsel at the ACLU. "Going to Congress with new detention authority legislation would only have made a bad situation worse. It likely would have triggered a chaotic debate that would have been beyond the ability of the White House to control -- and would have put U.S. detention policy even further outside the rule of law."

#### Detention of U.S. citizens is popular

McAuliff, Huffington Post Washington Correspondent, 2013,

(Michael, "Indefinite Detention Of Americans Survives House Vote", Huffington Post, 6-14, PAS) [www.huffingtonpost.com/2013/06/13/indefinite-detention-americans\_n\_3437923.html](http://www.huffingtonpost.com/2013/06/13/indefinite-detention-americans_n_3437923.html) 8-14-13

June 15, 2013 "Information Clearing House - WASHINGTON -- The U.S. House of Representatives voted again Thursday to allow the indefinite military detention of Americans, blocking an amendment that would have barred the possibility. Congress wrote that authority into law in the National Defense Authorization Act two years ago, prompting outrage from civil libertarians on the left and right. President Barack Obama signed the measure, but insisted his administration would never use it. Supporters of detention argue that the nation needs to be able to arrest and jail suspected terrorists without trial, including Americans on U.S. soil, for as long as there is a war on terror. Their argument won, and the measure was defeated by a vote of 200 to 226. But opponents, among them the Rep. Adam Smith (D-Wash.), who offered the amendment to end that authority, argued that such detention is a stain on the Constitution that unnecessarily militarizes U.S. law enforcement. "It is a dangerous step toward executive and military power to allow things like indefinite detention under military control within the U.S.," Smith said. "That's the heart and essence of this issue." Smith's amendment, which also had Republican sponsors including Reps. Chris Gibson (N.Y.) and Justin Amash (Mich.), would guarantee that anyone arrested in the United States gets a trial. Republican opponents argued that such a move would just invite terrorists to come to the United States, citing the recent Boston bombings and the consulate attacks in Benghazi, Libya, as evidence that terrorists were determined to harm the U.S. They said that applying the Constitution on U.S. soil amounted to a free pass to people bent on trying to destroy the country. Rep. Tom Cotton (R-Ark.), compared ending indefinite detention to giving someone a free pass in a game of hide-and-seek. "There was a phrase in that game called 'olly olly oxen free' -- meant you could come out, you were safe, you no longer had to hide," Cotton argued. "This amendment is the olly olly oxen free amendment of the war on terrorism. It invites Al Qaeda and associated forces to send terrorists to the Untied States and recruit terrorists on U.S. soil."

#### National security court is unpopular

Fisher 9 Special ‘Terror’ Courts Worry Legal Experts, by William Fisher, May 21, 2009, http://original.antiwar.com/fisher/2009/05/20/special-terror-courts/

But the idea of establishing a national security court is attracting widespread criticism because it would mean keeping some terrorism suspects on U.S. soil indefinitely.¶ While the idea of such a new court system is generally supported by conservatives, that support is far from universal.¶ Sen. Lindsey Graham, a conservative Republican from South Carolina and a military judge in the Air Force Reserve, notes the legal difficulties that would arise from a national security court. "How do you hold someone in prison without a trial indefinitely?" he asked.¶ Another prominent conservative, Bruce Fein, who served in the Justice Department under President Ronald Reagan, described the issues surrounding detention and trial of alleged terrorists as "the most important the Republic has confronted since the Civil War as to what America means. It should not mean Empire!"¶ Fein believes the regular federal court system should be the venue for terrorism trials.

## PC Low

#### Their PC low evidence is from September---prefer issue specific uniqueness because Obama is now actively pressuring GOP which allows for agreement.

#### Obama has PC now---that’s effective.

O’Brien 10/8 Boehner: GOP won't allow 'unconditional surrender' to Obama, Michael O'Brien, Political Reporter, NBC News, Oct 8, 2013, http://nbcpolitics.nbcnews.com/\_news/2013/10/08/20871044-boehner-gop-wont-allow-unconditional-surrender-to-obama

Obama’s appearance in the White House briefing room was meant to marshal the power of the bully pulpit to increase pressure on Republicans to relent from their position and vote for a short-term extension of government spending without conditions. Such legislation is favored by the Democratic Senate, and the White House has been tallying the growing number of Republicans who have suggested they might consider supporting this “clean continuing resolution.”¶ According to a count by NBC News, as many as 21 House Republicans could support such a measure, though their support is never guaranteed until a vote comes to pass, and a number of variables could sway Republican lawmakers before then.

#### YES—bully pulpit advantage.

Julie Pace 10/2 is AP White House Correspondent, “Obama seeks to strike a balance during shutdown,” 10-2-13, <http://www.masslive.com/politics/index.ssf/2013/10/obama_seeks_to_strike_a_balanc.html>, DOA: 10-3-13, y2k

Attend a black-tie gala? No. Meet with business leaders who oppose a government shutdown? Yes. Jet off to Asia for a four-country tour? Maybe, but shorten the trip and keep the option to cancel. President Barack Obama's strategy during the partial shutdown of the federal government is aimed at keeping up the appearance of a leader focused on the public's priorities and avoiding looking tone deaf to the hundreds of thousands of Americans forced off the job. He's also trying to maintain what the White House sees as a political advantage over Republicans, with nearly all the president's events providing him a platform to blast House GOP lawmakers for opposing a Senate bill to keep the government running. Republicans have sharply criticized the president's approach, saying that if he were serious about ending the shutdown, he would be negotiating a solution. Obama did summon congressional lawmakers to the White House to discuss the shutdown Wednesday evening, but neither side appeared ready to make concessions. "We're a little confused as to the purpose of this meeting," said Don Stewart, a spokesman for Senate Minority Leader Mitch McConnell, R-Ky. The president's allies say Obama is best served by staying away from the negotiating table and letting Republicans argue among themselves. "I think if you're the White House, you just sit back and watch," said Robert Gibbs, former White House press secretary and a longtime Obama adviser. "I don't think there's anything for you to do. I don't think there's anything you should do." The government shut down after Congress failed to pass a spending bill by Monday's midnight deadline, forcing about 800,000 federal workers off the job, shuttering national parks, and halting a range of government services. House Republicans are demanding changes to Obama's health care law in exchange for funding the government, a tactic the White House opposes. Most polling ahead of the shutdown shows Republicans taking more of the heat than Obama for the political impasse. No polling on the shutdown itself has been completed. The power of the presidential bully pulpit does give Obama one distinct advantage over Republicans. He can streamline the message coming from the White House, while GOP leaders must contend with the different factions of their party airing competing and sometimes contradictory views. In the opening days of the shutdown, Obama's message has been squarely focused on the economic impact of the shutdown and the benefits of the health care law Republicans are seeking to curtail. On Tuesday, he met with Americans who say they're being helped by the new health law. On Wednesday, he met with business executives — traditionally a core Republican constituency — to discuss the impact of the shutdown and the upcoming debt-ceiling debate on the economy. And on Thursday, he plans to visit a construction company in nearby Maryland to highlight how small businesses are affected by the shutdown. But Obama canceled an appearance Wednesday night at the glitzy Congressional Hispanic Caucus gala, an event he has attended every year since winning the White House. The White House also announced that the president was scaling back his upcoming trip to Asia, canceling stops in Malaysia and the Philippines — two of the four countries he had planned to visit. The White House also left open the possibility that the whole trip might be canceled. Obama is scheduled to depart Saturday night for economic summits in Indonesia and Brunei. National Security Council spokeswoman Caitlin Hayden said the White House "will continue to evaluate those trips based on how events develop throughout the course of the week." Even a shortened trip abroad could be risky for Obama. Presidential travel is a high-dollar endeavor that may not sit well with Americans facing financial burdens because of the shutdown. A trip to Asia would also require Obama to spend long stretches on an airplane, limiting the amount of time he can be making his case to the public for restarting the government. And the time difference would mean that nearly all of his events would take place when most Americans are sleeping. Chris Lehane, a Democratic consultant who worked for President Bill Clinton during the 1995 government shutdown, said Obama needs to strike "a very fine balance" between overseeing the shutdown and his other obligations as president. "You're the president of the United States, you have a thousand things you need to do and you need to continue to be in position to do those things," Lehane said. "But the optics of being in Washington, D.C., ready to move the government forward are important."

## Winner’s Win

#### Obama only receives blame- winners lose- long time too regenerate

Nicholas & Hook 10 Peter and Janet, Staff Writers – LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack Obama is made of Velcro. Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame. Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting.Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."

#### Link outweighs- declines in PC outweighs the effect of winning

Silber 7 Political Science phd Student at University of Florida and Interim Political Science Professor at Samford (November 2007, Marissa, “What makes a president quack? Understanding lame duck status through the eyes of the media and politicians”, from paper Prepared for delivery at the 2007 Annual Meeting of the American Political Science Association, August 30th-September 2nd 2007, <http://74.125.155.132/scholar?q=cache:bbkJmVQ3SJMJ:scholar.google.com/+%22political+capital%22+%22finite%22+resources+president&hl=en&as_sdt=80000000>

Important to the discussion of political capital is whether or not it can be replenished over a term. If a President expends political capital on his agenda, can it be replaced? Light suggests that “capital declines over time – public approval consistently falls: midterm losses occur” (31). Capital can be rebuilt, but only to a limited extent. The decline of capital makes it difficult to access information, recruit more expertise and maintain energy. If a lame duck President can be defined by a loss of political capital, this paper helps determine if such capital can be replenished or if a lame duck can accomplish little. Before determining this, a definition of a lame duck President must be developed.

#### Contentious debate ensures plan is not perceived as a victory

Mann 10 Brookings Governance Studies senior fellow, 10, Thomas, November, “American Politics on the Eve of the Midterm Elections”, <http://www.brookings.edu/articles/2010/11_midterm_elections_mann.aspx>, accessed 6-20-11

The well-documented successes of the financial stabilisation and stimulus initiatives are invisible to a public reacting to the here and now, not to the counterfactual of how much worse it might have been. The painfully slow recovery from the global financial crisis and Great Recession have led most Americans to believe these programmes have failed and as a consequence they judge the President and Congress harshly.¶ HIGHLY POLARISED That perception of failure has been magnified by the highly contentious process by which Obama’s initiatives have been adopted in Congress. America has in recent years developed a highly polarised party system, with striking ideological differences between the parties and unusual unity within each. But these parliamentary-like parties operate in a governmental system in which majorities are unable readily to put their programmes in place. ¶ Republicans adopted a strategy of consistent, unified, and aggressive opposition to every major component of the President’s agenda, eschewing negotiation, bargaining and compromise, even on matters of great national import. The Senate filibuster has been the indispensable weapon in killing, weakening, slowing, or discrediting all major legislation proposed by the Democratic majority.

## Econ !

#### US economic decline causes great-power war---Global economic crisis causes war- transitions, miscalc, economic nationalism, and diversionary theory- relative perception of decline is sufficient to trigger. Statistical evidence is on our side- That’s Royal---Their evidence doesn’t assume our internal link---we’ve never defaulted before---means this time it ACTUALLY causes transitional conflict.

#### This is FASTER than the affirmative---debt ceiling limit is coming in 5 days---prioritize short-term scenario because you can only die once---this is true even if they win the Case solves the DA argument---only a risk that we turn the case faster.

#### Growth solves heg

Khalilzad 11 Zalmay Khalilzad is a counselor at the Center for Strategic and International Studies. From 2007 to 2009, he served as U.S. permanent representative to the United Nations. He has also previously served as U.S. ambassador to Iraq, as well as U.S. ambassador to Afghanistan and also as special presidential envoy to Afghanistan

Today, economic and fiscal trends pose the most severe long-term threat to the United States’ position as global leader. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers. The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years. Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally. Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments. We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation. The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars. American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions. As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression. Given the risks, the United States must focus on restoring its economic and fiscal condition while checking and managing the rise of potential adversarial regional powers such as China. While we face significant challenges, the U.S. economy still accounts for over 20 percent of the world’s GDP. American institutions — particularly those providing enforceable rule of law — set it apart from all the rising powers. Social cohesion underwrites political stability. U.S. demographic trends are healthier than those of any other developed country. A culture of innovation, excellent institutions of higher education, and a vital sector of small and medium-sized enterprises propel the U.S. economy in ways difficult to quantify. Historically, Americans have responded pragmatically, and sometimes through trial and error, to work our way through the kind of crisis that we face today. The policy question is how to enhance economic growth and employment while cutting discretionary spending in the near term and curbing the growth of entitlement spending in the out years. Republican members of Congress have outlined a plan. Several think tanks and commissions, including President Obama’s debt commission, have done so as well. Some consensus exists on measures to pare back the recent increases in domestic spending, restrain future growth in defense spending, and reform the tax code (by reducing tax expenditures while lowering individual and corporate rates). These are promising options. The key remaining question is whether the president and leaders of both parties on Capitol Hill have the will to act and the skill to fashion bipartisan solutions. Whether we take the needed actions is a choice, however difficult it might be. It is clearly within our capacity to put our economy on a better trajectory. In garnering political support for cutbacks, the president and members of Congress should point not only to the domestic consequences of inaction — but also to the geopolitical implications. As the United States gets its economic and fiscal house in order, it should take steps to prevent a flare-up in Asia. The United States can do so by signaling that its domestic challenges will not impede its intentions to check Chinese expansionism. This can be done in cost-efficient ways. While China’s economic rise enables its military modernization and international assertiveness, it also frightens rival powers. The Obama administration has wisely moved to strengthen relations with allies and potential partners in the region but more can be done. Some Chinese policies encourage other parties to join with the United States, and the U.S. should not let these opportunities pass. China’s military assertiveness should enable security cooperation with countries on China’s periphery — particularly Japan, India, and Vietnam — in ways that complicate Beijing’s strategic calculus. China’s mercantilist policies and currency manipulation — which harm developing states both in East Asia and elsewhere — should be used to fashion a coalition in favor of a more balanced trade system. Since Beijing’s over-the-top reaction to the awarding of the Nobel Peace Prize to a Chinese democracy activist alienated European leaders, highlighting human-rights questions would not only draw supporters from nearby countries but also embolden reformers within China. Since the end of the Cold War, a stable economic and financial condition at home has enabled America to have an expansive role in the world. Today we can no longer take this for granted. Unless we get our economic house in order, there is a risk that domestic stagnation in combination with the rise of rival powers will undermine our ability to deal with growing international problems. Regional hegemons in Asia could seize the moment, leading the world toward a new, dangerous era of multi-polarity.

#### Turns human rights---economic decline causes desperation and crack-down where human rights are backsheveled.

#### Turns disease and environment----decline kills environmental protection due to survival instincts---reduces standard of living is lower that allow for dirty fuel usage---increased wealth means more resources for primary health care---which checks terminal disease outbreak.

#### Growth key to democracy

Marquardt 5 Michael J., Professor of Human Resource Development and International Affairs, George Washington University, Globalization: The Pathway to Prosperity, Freedom and Peace,” Human Resource Development International, March 2005, Volume 8, Number 1, pg. 127-129, Taylor and Francis

Freidman (2001) points out that globalization has provided the best opportunities for democracies and good governance – Mexico, Ghana, and Bangladesh are just a few examples. The poorest countries and the least democratic countries – North Korea, Burma, Cuba, and Sudan – are also the least globalized countries.

Turns US/Russia war—causes lash out

Lo 9 - Dr Bobo Lo is Senior Research Fellow at the Centre for European Reform (CER) in London, Russia’s crisis – what it means for regime stability and Moscow’s relations with the world, http://relooney.fatcow.com/SI\_FAO/Russia\_7.pdf

There is no doubt that the global financial crisis has had a tremendous physical and psychological impact on Russia. In August 2008, following its military successes in Georgia, there appeared to be no limit to Moscow’s self-confidence. The mantra, ‘Russia is back’, was reiterated ad nauseam, while the West fretted about a new Cold War and the difficulties of managing an ever more assertive ‘partner’. Russia became the centre of attention, if often for the wrong reasons, and its resurgence as a global great power was seen as part of a ‘new world order’. Fast forward to today and the transformation in Russia’s fortunes is striking. The extraordinary developments of the past six months have undermined many assumptions. While the advanced industrialised economies of the West are suffering considerably from the global recession, it is Russia that has arguably been the **greatest casualty**. Internationally, it has become a largely peripheral presence, while domestically there has been a **radical shift in mood**. Russia’s once buoyant economy has suffered **major shocks** and the seemingly unassailable regime of Prime Minister Vladimir Putin has become the subject of **feverish speculation about its viability and even survival.** Russian policy-makers have lost their swagger. Putin continues to inveigh against the failings of the ‘AngloSaxon’ economic model and to **blame America for the global financial crisis**, most recently at the 2009 World Economic Forum in Davos. But these days the climate in Moscow is one of mounting anxiety. The illusion of near-invincibility has given way to an acute sense of vulnerability and a renewed awareness of Russia’s dependence on the outside world. This policy brief addresses two questions. The first is the impact of the global financial crisis on regime stability and on Putinism itself – the Russian leader’s brand of semi- or ‘soft’ authoritarianism. Putin has consistently argued that Russia’s current problems a re largely a function of the wider global malaise, and that its economic fundamentals are sound. But critics point to deep-seated weaknesses: rampant corruption, dysfunctional governance, flimsy rule of law, over-dependence on the energy sector, and the absence of structural reform. Our purpose here is not to debate the merits of Putin’s economic policy, but to assess the capacity of his regime to pre serve its authority and legitimacy in the face of deteriorating socio-economic conditions. On a more personal level, what does the future hold for Putin himself? Given the improbability of an early economic recovery, will the Russian population fall out of love with this still highly popular figure ?1 If so, will such disenchantment translate into moves to replace him, either within the ruling elite or as part of a more general movement akin to Ukraine’s Orange Revolution

#### Global decline breeds wars- even if U.S. doesn’t decline- history proves

Mead 9 2/4, Walter Russell, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, Only Makes You Stronger: Why the recession bolstered America, The New Republic

So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies. As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes--as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again. None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads--but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises. Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born? The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight.

#### Decline causes global nuclear war

Merlini 11 the chairman of the Board of Trustees of the Italian Institute of International Affairs, 2011, Cesare, “A Post-Secular World?” Survival, vol. 53 no. 2 pp. 117–13 <http://www.brookings.edu/~/media/Files/rc/articles/2011/04_international_relations_merlini/04_international_relations_merlini.pdf> accessed date: 11-11-11 y2k

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism. One symptom that makes such a scenario plausible has become visible. Many commentators have identified anger or anxiety as a common driver of the Tea Party movement in the United States and the rise of xenophobic parties in Europe, perhaps stemming from a self-perception of decline. Anger (directed towards the neo-colonialist or pro-Israeli West or – especially recently – domestic authoritarian regimes) has also been associated with grievances in the Middle East, following the failure of earlier reformist and secular movements. Despite relative popular optimism, anger can also be detected in Asia, hand in hand with chauvinism and a sense of lack of appropriate recognition by others, stemming from a self-perception of rising influence and power.

#### Growth allows for effective measures to prevent disease

Fidler 8 David P., Professor of Law, Indiana University, University Center on American and Global Security, “After the Revolution: Global Health Politics in a Time of Economic Crisis and Threatening Future Trends,” Global Health Governance, Fall 2008/Spring 2009, Volume 2, Number 2

Further, the global economic crisis is absorbing ever larger amounts of capital to keep governments, financial institutions, and corporations afloat, which drastically reduces the availability of resources for addressing the growing costs of providing adequate public health and health care for populations around the world. Even before the global economic crisis hit, experts argued that the unprecedented increases in national spending and development assistance for health were inadequate and, even worse, that many developed donor countries had not fulfilled existing aid pledges. 56 Thus, maintaining existing levels of domestic spending and development assistance on health would not be sufficient, but increased expenditures seem unlikely for years while the global economy recovers. The more likely scenario is reductions in health spending within national budgets and in foreign aid programs. Such reductions, even if shortlived, will have a severe impact on global health activities already desperately in need of more financial resources. Perhaps the cruelest irony of the global economic crisis is its emergence in the year WHO and global health stakeholders renewed the push for achieving primary health care for all. The report of the Commission on Social Determinants of Health advocated for primary health care in 2008.57 The World Health Report 2008 focused on primary health care, 58 and the WHO Director-General connected the new emphasis on primary health care to the Declaration of AlmaAta, which first launched the “health for all” strategy based on universal primary health care in 1978.59 However, 30 years ago, the Alma-Ata strategy was derailed by developments in the energy and economic sectors that sound ominously familiar, as the WHO Director-General recognized in September 2008: Nor could the visionary thinkers in 1978 have foreseen world events: an oil crisis [that began in 1979], a global recession [in the early 1980s], and the introduction [in the 1980s], by development banks, of structural adjustment programmes that shifted national budgets away from the social services, including health. As resources for health diminished, selective approaches using packages of interventions gained favour over the intended aim of fundamentally reshaping health care. The emergence of HIV/AIDS, the associated resurgence of tuberculosis, and an increase in malaria cases moved the focus of international public health away from broad-based programmes and towards the urgent management of highmortality emergencies.60 The effort to rejuvenate the primary health care movement in a year in which global food, energy, and economic crises emerged proved ill-timed, and the worsening nightmare of the global economic crisis threatens even more damage to the political, economic, and social conditions needed to achieve progress on universal primary health care. Put another way, political, economic, and intellectual capital for advancing the primary health care agenda will, for the foreseeable future, be in short supply. Instead, as with the energy and food crises, global health finds itself scrambling to address an emergency with potentially devastating consequences for the health of individuals and populations, health services and systems, and the social determinants of health.

#### Growth solves the environment

Andel 9 senior trade policy analyst at Heritage, 2009¶ Daniella, “Opportunity at Copenhagen -- Nations Should Promote Free Trade at the Climate Conference”, 12-4, http://www.heritage.org/Research/EnergyandEnvironment/sr0074.cfm

As economies grow and income levels rise as a consequence of trade liberalization, the desire -- and more importantly, the resources available -- to adopt environmental protections become stronger and can result in policies that accommodate the sustainable development needs of the country. In contrast, when economic contraction drives families, businesses, and governments to focus resources on the necessities, survival takes precedence over the luxury of capping emissions, retrofitting government buildings with energy-efficient light bulbs, or investing in research for the next best automobile battery. Engaging in freer trade is a fundamental part of a strategy to better promote the evolution of sensible environmental regulations by empowering countries with the economic opportunity to develop and raise living standards. The positive relationship between trade and the environment can be demonstrated by comparing the openness of a nation's trade regime to how well it protects the environment. An examination of trade freedom scores from the upcoming 2010 Index of Economic Freedom and national environmental performance measured in the 2008 Environmental Performance Index reveals that countries with freer trade polices also do more to protect the environment. (See Chart 1.) Engaging in freer trade increases the supply and decreases the price of environmental goods and services and is a fundamental part of a strategy to better promote the evolution of sensible environmental regulations. Economic growth raises living standards and the demand for environmental protection.[12] However, the need on the part of developing countries to reduce market barriers to climate- and environment-friendly products is just as critical. The global market for environmental goods and services is worth between $550 billion and $613 billion per year, yet in some countries the bulk of this trade can face tariffs of up to 70 percent on climate- and environment-related technologies.[13] The onus of freeing trade in environmental goods and services is shared by all nations. Gaining additional access to environmental goods and services through open markets not only supplies nations with products aimed at mitigating emissions, but also helps spread technological know-how around the world. The current call by developing nations to weaken intellectual property protections as a means to obtain technology and to bolster sustainable development, climate mitigation, and adaptation would reduce the level of research and innovation and thus reduce the opportunity for technological advances to improve productivity and growth around the world. Instead, developing countries should focus on eliminating non-tariff barriers to technology trade, strengthen and enforce intellectual property protections, adopt economic and infrastructure reforms that promote innovation, and invest in human capital.[14]