## 1NC

#### Introduction of US Armed Forces into hostilities – is not combat systems must be boots on the ground – they don’t meet and it’s a voting issue because its not precise and explodes limits to include any potential weapons system – that destroys core negative ground and topic coherence

Lorber 13 – JD Candidate @ Duke and PhD Candidate @ Penn

(Eric, “Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?,” 15 U. Pa. J. Const. L. 961)

As is evident from a textual analysis, 177 an examination of the legislative history, 178 and the broad policy purposes behind the creation of the Act, 179 [990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." 180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that only members of the armed forces count for the purposes of the definition under the WPR. Though not dispositive, the term "member" connotes a human individual who is part of an organization. 181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." 182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that expression of one thing (i.e., members) implies the exclusion of others (such as non-members constituting armed forces). 183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [991] Intelligence Agency). 184 This amendment was dropped after encountering pushback, 185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, 186 suggesting that Congress conceptualized "armed forces" to mean U.S. combat troops.¶ The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities. 187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. 188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." 189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, 190 as well as prevent the President from authorizing troop incursions into countries in that region. 191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [992] harm's way (i.e., into hostilities or imminent hostilities). Applied to offensive cyber operations, such a definition leads to the conclusion that the War Powers Resolution likely does not cover such activities. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. 192 Thus, individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities. Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. 193 If it is close access, there exist many other effective ways to target such systems. 194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

## 1NC

#### The 1AC is a performance of presumed accessibility and able body privilege - any attempt to separate the “content” of the 1AC from its “form” is a reason to vote negative – “what” they have “said” is just as important as “how” they have made it intelligible to themselves, us and you

Boys 2008 (Jos, “challenging the 'normal': towards new conceptual frameworks”, http://www.sowhatisnormal.co.uk/challenging)

This shifts the inquiry from representations (on the body, in the space) to relationships, processes and contexts. Any encounter is necessarily mediated by who is there, who is not, why they are there (or why not), what they bring to the situation and w hat they take away. Such events involve meanings-in-the-making through a process in space and over time. Importantly encounters are not just a space of sharing and recognition but also of conflict, differentiation and negotiation. They involve interpretations, talk, gestures, bodily relationships, and actions. So how do encounters work? In each case we now have two questions which allow the exploration of disability beyond being a stereotypical marker of identity or difference. What embodied knowledge and experience do we the participants bring to the encounter? What are the routine social and spatial practices which frame the encounter? Here, disabled and ‘non-disabled’ participants are not separated out; all have parity in the space of the encounter itself. But the impact of framing disabled people in ways not of their making remains central to the investigation. As Davis writes: Disability is not so much the lack of a sense or the presence of a physical or mental impairment as it is the reception and construction of that difference. Davis 2002 p50

#### The liberal subject constituted both **IN** and **BY** the 1AC is necessarily able bodied

Breckenridge and Volger 2001 (Carol Appadurai and Candace A, “The Critical Limits of Embodiment: Disability's Criticism”, Public Culture, Volume 13, Number 3, Fall 2011)

Disability studies teaches that an assumed able body is crucial to the smooth operation of traditional theories of democracy, citizenship, subjectivity, beauty, and capital. By assuming that the normative human is an able-bodied adult, for example, liberal theory can conflate political or economic interests with desires, political representation with having a voice in policy-making, social organization with voluntary association, and so on. Liberal theory naturalizes the political by making it personal. And the “person” at the center of the traditional liberal theory is not simply an individual locus of subjectivity (however psychologically fragmented, incoherent, or troubled). He is an able-bodied locus of subjectivity, one whose unskilled labor may be substituted freely for the labor of other such individuals, one who can imagine himself largely self-sufficient because almost everything conspires to help him take his enabling body for granted (even when he is scrambling for the means of subsistence). However, the mere possibility of a severely cognitively disabled adult citizen disrupts the liberal equations of representation and voice, desire and interest. Advocacy for the severely cognitively disabled is not a matter of voicing their demands. More generally, the intricate practical dialectics of dependence and independence in the lives of many disabled people unsettle ideals of social organization as freely chosen expressions of mutual desire.

#### The body is a stock issue – it’s the both the source and method of all knowledge and meaning

Creal 1999 (Lee Davis, “THE "DISABILITY OF THINKING"

THE "DISABLED" BODY”, Course Paper for Ambiguous Bodies: Studies in Contemporary Sexuality, York University, http://www.broadreachtraining.com/advocacy/artcreal.htm)

In "Lived Bodies: Phenomenology and the Flesh," Elizabeth Grosz cites the work of Merleau-Ponty in her discussion of corporeal phenomenology. Merleau-Ponty, she says, seeks to understand the relationship between consciousness and nature and between interiority and exteriority. He reorients the tradition of the question "how can there be a world for a subject?" by locating subjectivity not in mind or consciousness but in the body; he argues that the mind and body are not separate entities but interrelated and that the mind is based on corporeal and sensory relations. The body, according to Merleau-Ponty, is a phenomenon experienced by the one who lives in it and it (the body) is the location which places one in the world and makes possible relationships between oneself and other objects and subjects. We understand and know our body only by living in it. It is a subject and lived reality for oneself and an object for others but it is never simply object nor simply subject. Merleau-Ponty says the body is "sense-bestowing" and "form-giving," and is "my being-to-the-world and as such is the instrument by which all information and knowledge is received and meaning is generated" (Grosz: 87). This resonates with Lennard Davis who says the body is not only a physical object but is "a way of organizing through the realm of the senses the variations and modalities of physical existence as they are embodied into being through a larger social/political Matrix" (Davis: 14).

#### The concept of “war” in the 1AC is disembodied

Burgoyne 2012 (Robert, “embodiment in the war film: paradise now and the hurt locker”, Journal of War and Culture Studies, Volume 5, Number 1)

Of the many cinematic forms that can be described as body genres, the warfilm is clearly a defining example, drawing its most memorable scenes and its most intensive cultural meanings from the way the body, both as agent and patient, as living and dead, is depicted. In no other genre is the liminality of the body represented in quite this way. Situated in a kind of shadow zone between organic life and national symbol, between sacrificial object and agent of sovereign violence, the body of the soldier conveys in visceral form a vision of history produced from intensive sensual impressions. From the early soundfilms depicting World War I to the portrayals of self-sacrifice and loss in Letters From Iwo Jima (Eastwood 2006) and Saving Private Ryan (Spielberg 1998), the body in the war film expresses in a singular way our immersion in history, framing the past in a way that foregrounds corporeal experience. … As the film progresses, its intensive focus on the body at risk as a medium of experience begins to accumulate a kind of latent charge, an affective after life suggested in the tone and imagery of many sequences. Although the spectacular and harrowing combat scenes of previous war films – the night patrol and the trenches, the bombardment and the assault, the mass choreography of battle and the gruesome intensity of individual combat – are missing, the film nevertheless defines the drama of the body at risk in a way that reinforces the traumatic cultural history embedded in the genre. The film’s almost anthropo-logical interest in violence as a form of embodied experience and imagination begins to read as a traumatic acting-out. The power of war to force meaning from embodied experience finally seems to evoke not just experiential excitement, but rather the search for extremes, as if this might provide an opening to a new imagining of war. In the imagery of the living body encased in Kevlar armour, the corpse turned into a bomb, and the liminal body locked into asuicide vest, we view a new cinematic iteration of what Kevin McDonald calls the ‘grammars of violence’ that define the war film genre (McDonald 2012).

#### Vote negative to reject the affirmative

Breckenridge and Volger 2001 (Carol Appadurai and Candace A, “The Critical Limits of Embodiment: Disability's Criticism”, Public Culture, Volume 13, Number 3, Fall 2011)

No one is ever more than temporarily able-bodied. This fact frightens those of us who half-imagine ourselves as minds in a material context, who have learned to resent the publicness of race- or sex- or otherwise-marked bodies and to think theories of embodiment as theories about the subjectivity of able-bodied comportment and practice under conditions of systematic injustice. From this perspective, disability studies may be twice marginalized -- first, by able-bodied anxiety; second, by a tendency to treat disability as just another hindrance to social mobility, perhaps one best left to medical discourse or descriptive sociology. New work in disability studies, however, challenges established habits of thought about "having" a body. Disability studies dissolves deeply entrenched mind-and-body distinctions and further destabilizes the concept of the normal, whose charted internal ambiguities have themselves become too familiar. An ethics and a politics of disability are crucial to the work of the university -- pedagogically, theoretically, and institutionally. But reconfiguring knowledge in light of disability criticism is a project that is likely to take longer than making public space accessible.

## 1NC

#### Unique Link - PGS won’t survive the current budgetary climate without a new mission requirement – the aff provides this by taking nuclear options off the table

Acton 9/3 (James M. Acton is a senior associate in the Nuclear Policy Program at the Carnegie Endowment, “Silver Bullet? Asking the Right Questions About Conventional Prompt Global Strike,” 9/3/13 http://carnegieendowment.org/2013/09/03/silver-bullet-asking-right-questions-about-conventional-prompt-global-strike/gkmp )

While the term “Conventional Prompt Global Strike,” coined during the administration¶ of President George W. Bush, may be relatively new, the concept it represents is not. As¶ the accuracy of intercontinental ballistic missiles (ICBMs) increased during the Cold War,¶ it became effectively inevitable that the possibility of using them to deliver conventional¶ weapons would be explored.2 Advisers to the U.S. military appear to have first suggested¶ conventional ICBMs in the mid-1970s. For example, a 1975 study by the RAND Corporation¶ for the U.S. Air Force raised the possibility of developing highly accurate guidance¶ systems for ICBMs so that “the smallest possible yield, or even conventional explosives, can¶ be employed where conditions dictate or permit” (emphasis added).3¶ The RAND study is notable not only for mentioning the concept of a conventional¶ ICBM but also for propounding a rationale that was reiterated by government advisers¶ for over three decades. The study’s basic theme is that ICBMs risk becoming obsolete if¶ “they are considered simply as one of three different ways [along with sea-launched ballistic¶ missiles and heavy bombers] of doing the same job.”4 The authors argued, however,¶ that ICBMs could be modified, at relatively low cost, into highly accurate, lower-yield¶ weapons to allow “effective and flexible targeting with minimum collateral damage.”5 The¶ desire to “leverage” existing nuclear capabilities cheaply to create more usable and versatile¶ weapons has been an important driver of advocacy for the development of long-range¶ hypersonic weapons.6¶ In 1995, another RAND study examined the future of U.S. nuclear forces after the end¶ of the Cold War. It posed a familiar question: “Can strategic delivery systems, many of¶ which may otherwise be destroyed in the [Strategic Arms Reduction Treaty I (START I)]¶ build-down, find cost effective applications as nonnuclear delivery systems?”7 It considered¶ the possibility of using ICBMs and sea-launched ballistic missiles (SLBMs) to deliver¶ conventional warheads, reaching the conclusion, “why not? Relatively cheap and may be¶ just what we need some day.”8¶ Nearly a decade later, in 2004, this logic was echoed in a report by the Defense Science¶ Board (which, while not a statement of official policy, can sometimes reflect and/or shape¶ official thinking). It advocated placing conventional warheads on existing nuclear delivery¶ systems, noting that because the missiles had already been built, “large sunk costs can be¶ leveraged.”9 In particular, following the logic of both RAND studies, it argued for using¶ Peacekeeper/MX ICBMs in this way since their “planned retirement [in 2005] . . . provides¶ an opportunity for a highly leveraged option.”10¶ A variant of these ideas was finally adopted as official U.S. policy in 2006, more¶ than thirty years after the 1975 RAND study, following much advocacy and many¶ government-sponsored technical studies. In its Quadrennial Defense Review of that¶ year, the Bush administration elevated the development of conventional long-range¶ ballistic missiles to a national policy goal with its plan to place conventional warheads¶ on Trident D5 SLBMs.11 This plan was never implemented in the face of congressional¶ opposition and efforts are now focused on the much more expensive task of developing¶ entirely new delivery systems. Nonetheless, the origins of CPGS still resonate. Because¶ the CPGS program was, for a long time, driven by “technological opportunism,” the¶ development of technology has, so far, outpaced developments in doctrine.12 Indeed, in¶ August 2012, Madelyn R. Creedon, the assistant secretary of defense for global strategic¶ affairs, acknowledged that the United States was “still early in the development of the¶ policy to go with” the technology.13¶ The slow pace of policy development does not mean there are no potential roles that¶ CPGS could fill. A number of potential missions for CPGS have been proposed, ranging¶ from killing terrorists at the “low end” to destroying nuclear-armed mobile missiles at the¶ “high end.” However, the distinct requirements of different potential missions tend to be¶ obscured by talking generally about defeating distant, time-critical, high-value targets,¶ as U.S. government officials tend to do (at least in public). Unless CPGS is developed to¶ meet specific missions, the technology risks remaining, in the words of a defense contractor,¶ a “missile in search of a mission.” It is unlikely that such a program could survive the¶ present budgetary environment.

#### PGS Causes misclac and escalation to nuclear war – causes destination, target, and warhead ambiguity, crisis instability, won’t have necessary supporting tech, and the DoD systematically underestimates the negatives

Grossman 9/3 Elaine M. Grossman, Global Security Newswire¶ September 3, 2013, “Global-Strike Arms Pose Little-Recognized Stability Risks: Report” <http://www.nationaljournal.com/global-security-newswire/global-strike-arms-pose-little-recognized-stability-risks-report-20130903>

A new report warns that future U.S. nonnuclear rapid-strike arms could pose a little-understood risk of crossing tripwires to global conflict if a major military power could not determine whether it is being targeted in a quickly unfolding attack.¶ “Non-ballistic CPGS weapons, which are highly maneuverable, could possibly lead an observing state to wrongly conclude that an incoming weapon was heading for its territory,” states a Carnegie Endowment analysis, explaining how so-called “conventional prompt global strike” arms might pose what it terms “destination ambiguity.”¶ A foreign nation with advanced early-warning intelligence capabilities -- such as Russia fields today and China may have in the future -- also might be uncertain whether a U.S. maneuverable, fast-strike weapon is on the verge of taking out its own atomic weapons, according James Acton’s report, “Silver Bullet? Asking the Right Questions About Conventional Prompt Global Strike.”¶ “A state could mistakenly believe that its nuclear forces were under attack when its conventional forces were really the target,” a situation that the author calls “target ambiguity.”¶ “This situation could arise, for instance, if a state’s nuclear and conventional assets were ‘entangled’ because of dual-use command-and-control systems,” he writes.¶ The risks of such misunderstandings could run high, he says.¶ “A state that feared its critical weapon systems -- particularly nuclear weapons -- were vulnerable to a preemptive CPGS strike could feel pressure to use or threaten to use those weapons first, [creating] crisis instability,” according to the report.¶ Acton, a senior associate in Carnegie’s Nuclear Policy Program, argues that while there has been much debate on Capitol Hill about potentially destabilizing aspects of deploying and using conventional prompt-strike weapons, concerns have focused too much on warhead ambiguity when a broader set of pressing issues should be addressed.¶ U.S. lawmakers in past years rejected a concept for conventional prompt global strike that would have swapped out nuclear warheads for conventional front ends on Trident D-5 submarine-based ballistic missiles. They cited concerns that Russia or China might someday detect a U.S. Trident launch and, unaware which type of warhead the missile carried, could respond precipitously with atomic arms.¶ With the “Conventional Trident Modification” effort put on the back burner, warhead ambiguity is no longer the most pressing crisis-stability issue facing the development of prompt-strike weapons, Acton argues.¶ An array of technological alternatives remains for the nonnuclear prompt-strike mission. Those include:¶ -- The Army’s Advanced Hypersonic Weapon, a futuristic capability that, if technically feasible, could be either land- or sea-based;¶ -- The Hypersonic Technology Vehicle-2, developed by the Defense Advanced Research Projects Agency but recently put back into risk-mitigation after test failures;¶ -- A Navy Sea-Launched Intermediate Range Ballistic Missile, which Acton reports could carry either a hypersonic glider or steerable reentry vehicle, but which recently experienced some bureaucratic setbacks; and¶ -- An Air Force High Speed Strike Weapon, an air-launched hypersonic cruise missile that Acton describes as being developed outside of the prompt global strike program.¶ Acton urges the Defense Department to fully explore the prospective strengths and drawbacks of each option, keeping in mind that each alternative may pose less risk of one kind of ambiguity during a crisis while aggravating ambiguity in another way.¶ “The most discussed strategic risk is the possibility that a CPGS weapon could be mistaken for a nuclear weapon,” states the physicist in the 197-page document. “Other escalation risks are, however, more serious.”¶ As Acton explains it, “An observing state might mistakenly believe that a CPGS weapon was heading for its territory, not only exacerbating the risk of warhead ambiguity but also creating new risks of escalation.”¶ The report’s bottom-line recommendation for the Pentagon is “to look at the question of CPGS acquisition holistically,” the scholar told Global Security Newswire in an e-mailed response to questions.¶ “On the one hand, there is a very plausible argument that CPGS weapons will enhance deterrence and make war less likely,” he said. “On the other hand, the potential escalatory implications of boost-glide weapons have been neglected.”¶ Though Pentagon officials discuss an array of counter-terrorism and counter-proliferation targets that might be the focus of nonnuclear prompt-strike weapons, the Defense Department has not formally determined for what missions these arms would be procured, he states in the report.¶ Beyond the stubborn ambiguity challenges, “there are questions about the military utility of candidate CPGS technologies, especially in the absence of needed enabling capabilities,” he told GSN, referring to command-and-control systems; intelligence, surveillance and reconnaissance requirements; and post-attack battle damage assessment systems.¶ “And,” Acton said, “there needs to be a comparison of whether non-prompt alternatives might be more cost effective.”

## 1NC

#### Text: The United States federal judiciary should restrict the war powers authority of the President of the United States to launch a nuclear first strike into hostilities without Congressional approval.

#### The CP solves the aff even if it reserves some power to the executive – and Congress will still be able to constrain excess presidential authority. Their author

Hemesath 2000 (Paul A. Hemesath, J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, August 2000, “Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era,” Georgetown Law Journal, lexis)

A decision before the Supreme Court would provide acceptable clarity in any of the three scenarios that may be imagined. In the case that the Supreme Court is able to put aside standing, ripeness, and political question doctrines as jurisdictional barriers, a settled meaning of the war powers would finally come to light. Whether the Court decides for the supremacy of the Executive or Congress, the harm associated with war powers uncertainty would diminish with the certitude of the decision. Assuming a decision that favors the Executive, Congress would be put on notice that future judicial challenges regarding the war powers would prove fruitless, thus negating future harmful constitutional challenges in the throes of crisis. Although such a decision risks the harms associated with a one-person army, it would allow Congress to prepare for this constitutional reality by carefully structuring appropriations mechanisms or more credibly threatening impeachment in times of controversial military action.

#### Banning second strike bad – Kills Crisis stability causes escalation.

Michael S. GERSON 2009 Research analyst at the Center for Naval Analyses, a federally funded research and development center in Alexandria, Virginia CONCEPTS OF DETERRENCE IN THE 21ST CENTURY: SOME THINGS OLD, SOME THINGS NEW NATO DEFENSE COLLEGE COLLEGE DE DEFENSE DE L'OTAN Research Division Division Recherche NATO AND 21 st CENTURY DETERRENCE

In the current international security environment, the global balance of military power greatly favors NATO. Compared to the Cold War,the Alliance is in a far better position today to threaten (and inflict) costs on an adversary while at the same time minimizing the potential costs of an adversary's retaliation. 18 Yet, while this asymmetry of capabilities has significant benefits, a' vast imbalance of power may also create dilemmas for successful deterrence that were not present, or were perhaps less severe, than during the Cold War. In particular, an asymmetry of capabilities could have important consequences for crisis stability. The most likely scenario in which nuclear weapons might be used is a severe crisis, rather than an unprovoked, "bolt-from-the-blue" attack. As a result, the "stability" of a crisis between nuclear-armed adversaries is an important factor in the potential (and likelihood) of nuclear escalation. A crisis is "stable" when neither side has an incentive to use nuclear weapons first. Conversely, an "unstable" crisis occurs when one or both sides believe that there is a military or political advantage to launching the first strike, such as eliminating or degrading the adversary's retaliatory capabilities or weakening the opponent's resolve to fight. 19 Because a crisis is the most likely pathway to nuclear war, and because the stability of a crisis can impact the possibility of nuclear war, crisis stability is a useful lens through which to analyze future deterrence strategies, especially in the context of NATO's military superiority.

#### Damage limitation doesn’t inspire first strike – opponents can’t gain superiority.

Keith B. Payne 2008 The Great American Gamble: Deterrence Theory and Practice from the Cold War to the Twenty First Century National Institute for Public Policy Department of Defense and Strategic Studies Missouri State University p. 253

If the logic of deterrence actually functions as envisaged in balance of terror tenets, whether or not the United States has damage-limiting capabilities, an inescapable U.S. retaliatory threat precludes the possibility of "crisis instability" vis-a-vis contemporary opponents who do not have the strategic capability necessary to anticipate a possible first-strike net advantage. Neither China nor North Korea, nor prospectively Iran, for example, could plausibly anticipate that striking first against survivable U.S. retaliatory strategic capabilities could be a route to a strategic advantage over not striking. Chinese, North Korean, or Iranian leaderships deterred by lethal U.S. retaliatory capabilities and the risk of escalation cannot logically also be inspired by U.S. damage-limitation capabilities to strike first because the consequences for them of doing so would be comparably catastrophic, and striking first would be the likely guarantee that they would suffer those consequences. Even during the Cold War, a Jekyll-to-Hyde change in Soviet decision making would have been required for U.S. damage-limitation capabilities to transform a Soviet leadership deterred reliably by uncertainty into a Soviet leadership that preferred the gamble of striking first in pursuit of a material net strategic advantage. Barely plausible in the context of the Soviet Union's strategic capabilities, this notion of deterrence "instability" being driven by U.S. damage-limitation capabilities is incoherent against contemporary foes.

#### Command and control key.

Defense Science Board (DSB) 2006. The DSB is a Federal Advisory Committee established to provide independent advice to the Secretary of Defense Office of the Under Secretary of Defense For Acquisition, Technology, and Logistics December 2006 Report of the Defense Science Board Task Force on Nuclear Capabilities Report Summary

There is also concern in U.S. nuclear command and control capabilities. As nuclear forces are reduced, the ability to exercise effective command and control over residual forces to ensure the continued functioning of deterrence has never been more important. Numerous studies, assessments, and exercise results have highlighted the nuclear command and control system as a capability that must be sustained into the future, as dictated by national policy3, as we continue to study Nuclear C3 migration into the evolving net-centric environment. Although the nuclear command and control system was designed to ensure a robust and enduring capability for nuclear retaliation, the command and control structure envisioned by the New Triad has a far broader role. The effective integration of the strike forces comprising the New Triad can only be achieved with reliable, robust, and survivable command and control. This includes ensuring that the nuclear command and control system is robust and adaptable to the new security environment. In addition to their primary purpose and function, the assets generally associated with nuclear command and control also comprise an essential component of a broader national system that supports decision-making and operations in non-nuclear crises and conflicts. There is a demonstrated need for a responsive, reliable, survivable, and robust command and control system that can provide the President with the information, access to advisors, and the means necessary to respond deliberately and appropriately to any crisis, without constraining the President’s decisions due to weaknesses in command and control or in the continuity of Presidential authority. At present, the current nuclear command and control system represents the only capability in the near- to mid-term that has the potential to meet the robust command and control requirements dictated by current national policy. Investment will be required to ensure adequate capability.

## AT - Hegemony

#### 1 Heg not solve war –

#### A. No threats require primacy and other factors ensure security.

Friedman and Preble 10 (Benjamin Friedman is a research fellow in defense and homeland security studies at the Cato Institute, Christopher Preble is director of foreign policy studies at the Cato Institute, Budgetary Savings from Military Restraint, September 22, 2010 Cato Policy Analysis No. 667 September 23, 2010 http://www.cato.org/pubs/pas/PA667.pdf

The United States confuses what it wants from its military, which is global primacy or hegemony, with what its needs, which is safety. Our leaders tend to exaggerate the capability of the enemies we have and invent new enemies by defining traditional foreign troubles —geopolitical competition among states and instability within them, for example—as pressing threats to our security. Geography, wealth, and nuclear weapons provide us with safety that our ancestors would envy. Our hyperactive military policies damage it by encouraging rivalry and resentment. Global military primacy is a game not worth the candle.56

#### B. No war – States have an incentive to avoid it.

Zakaria 08 (Fareed Zakaria, editor of Newsweek International, 2008, The Post-American World, p. 244)

In certain areas – the South China Sea, for example – U.S. military force is likely to be less relevant than that of China. In international negotiations, America will have to bargain and compromise with the others. Does all this add up to instability and disorder? Not necessarily. Two hundred years of Anglo-American hegemony has in fact created a system that is not as fragile is it might have been in the 1920s and 1930s. (When British power waned, American power was unwilling to stip in, and Europe fell through the cracks). The basic conception of the current system – an open world economy, multilateral negotiations – has wide acceptance. And new forms of cooperation are growing. Ann-Marie Slaughter has written about how legal systems are constructing a set of standards without anyone’s forcing them to do so—creating a bottom-up, networked order. Not every issue will lend itself to such stabilization, but many will. In other words, the search for a superpower solution to every problem may be futile and unnecessary. Small work-arounds might be just as effective.

#### 2 Heg inevitable.

Goldberg 11 ( January 28 2011 “America's China Syndrome” AEIPPR American Enterprise Institute For Public Policy Research <http://www.aei.org/article/103022>)

It's true that from the early 1990s until around now, America has been essentially alone at the top of the world heap. But that hasn't meant as much as a lot of folks claim. During this pax Americana, a nasty war broke out in Europe, genocide materialized in Africa and the United States was harassed and wounded by stateless Islamic terrorism. We also fought a war in Iraq that ended in a bloody armistice, requiring constant policing for more than a decade. And now we're in another expensive war. Meanwhile, our trade deficit only gets worse and our industrial base has been outsourced to Mexico, Vietnam and, of course, China. Next, we're told, one of the consequences of the new multipolar world will be that we won't be able to do things unilaterally anymore. Anymore? What movie were they watching? When we were supposedly cock of the walk, under Democratic and Republican presidents alike, anti-Americanism flourished. The United Nations refused to authorize the use of force to stop ethnic cleansing in the Balkans. Sure, we didn't take no for an answer, but we didn't go it alone. We joined with our NATO allies to put an end to the bloodshed. During the Persian Gulf War, America had that "grand coalition" that Sen. John F. Kerry talked about. During the second Iraq war, the "coalition of the willing" was smaller, but we were hardly flying solo. U.S. leaders decried unilateralism, an odd sentiment for the undisputed global hegemon. Another reigning cliche is that the sun is setting on us as it did on the British Empire. But what does that mean? China isn't remotely powerful, influential or rich enough to play the leading role of America, and we aren't nearly so weak, ignorable or poor to deserve the supporting gig as 1950s Britain. Besides, although China clearly wants its moment in the sun, it doesn't seem particularly eager or able to lead. "When was the last time Beijing offered its own peace plan for the Arab-Israeli conflict, for instance?" asks Jonathan Eyal, Europe correspondent for the Straits Times in Singapore. "Other emerging powers are no better," he adds. "What is India's contribution to, say, solving the crisis in Sudan? Or Russia's plan for dealing with the North Korean nuclear problem?" In other words, American leadership is still the global norm. Then there are China's very real problems. China has 700 billion very poor people. By 2050, it will have 400 million very old people. It will "get old before it gets rich," as conservative writer Mark Steyn likes to say. The country is shot through with corruption, bogus accounting practices that make subprime mortgage bundles look like gold bullion, and a political elite that remains terrified of democracy. A confident government doesn't banish its Nobel Peace Prize winners. Even with its copycat stealth fighter, China is certainly less of a military threat to the United States than the Soviet Union was. It's more of an economic challenger, but that's a good problem to have, right? Currency wars are better than nuclear ones. The most important point is that China's rise doesn't reflect some grand failure of American foreign policy but its success. Drawing China into the global economic and political system has been a bipartisan foreign policy goal for generations. That creates new problems but better ones. China is still governed by a fundamentally evil system. Hu has blood on his hands--he ordered the slaughter of hundreds of unarmed Tibetan protestors in 1989. But it's less evil than when it kept a billion people in poverty and killed 65 million of its own citizens. That's progress. For the last century, America was the good-guy lead on the international stage. In that role, we relied on a broad arsenal, literally and figuratively, to help move the world to democracy and prosperity. Contrary to a lot of nostalgic nonsense about the simplicity of the Cold War and the ease of our "unipolar moment," that effort was hard, complicated and punctuated with surprising successes and unpredicted failures. In that sense, the new normal looks a lot like the old normal

#### 3 Aging crisis solves heg.

Haas 7 (Mark L Haas, Assistant Professor of Political Science at Duquesne University, “A Geriatric Peace? The Future of U.S. Power in a World of Aging Populations” International Security, Vol. 32, No. 1, Summer, p 112-147 (EBSCO)) SV

**Global population aging will** influence U.S. foreign policies in five major ways in coming decades. First, this phenomenon will **be a potent force for the continuation of U.S. power dominance, both economic and military**. Aging populations are likely to result in the slowdown of states’ economic growth at the same time that governments face substantial pressure to pay for massive new expenditures for elderly care. This double economic dilemma will create such an austere fiscal environment that the other great powers will lack the resources necessary to overtake the United States’ huge power lead. Investments designed to improve overall economic growth and purchases of military weaponry will be crowded out. Compounding these difficulties, although the United States is growing older, it is doing so to a lesser extent and less quickly than all the other great powers. Consequently, the economic and fiscal costs for the United States created by social aging (although staggering, especially for health care) will be significantly lower for it than for potential competitors. **Global aging is** therefore **not only likely to extend U.S. hegemony** (because the other major powers will lack the resources necessary to overtake the United States’ economic and military power lead), **but deepen it as these others states are likely to fall even farther behind the United States**. Thus despite much recent discussion in the international relations literature and some policymaking circles about the likelihood of China (and to a lesser extent the European Union) balancing U.S. power in coming decades, the realities of social aging and its economic and military effects make such an outcome unlikely.6

## AT - Accidents

#### 1. Risk of backlash prevents accidental war

Waltz 95 (Kenneth, Prof of Poli Sci @ Berkely, Ph.D in Poli Sci from Columbia U, The Spread of Nuclear Weapons: A debate, pp. 111)

Deterrence is also a considerable guarantee against accidents, since it causes countries to take good care of their weapons, and against anonymous use, since those firing the weapons can neither know that they will be undetected nor what form of punishment detection might bring. In life, uncertainties abound. In a conven-tional world, they more easily lead to war because less is at stake. Even so, it is difficult to think of wars that have started by accident even before nuclear weapons were invented. It is hard to believe that nuclear war may begin accidentally, when less frightening conventional wars have rarely done so.

#### 2 Nuclear accidents wouldn’t escalate

Waltz 95 (Kenneth, Prof of Poli Sci @ Berkely, Ph.D in Poli Sci from Columbia U, The Spread of Nuclear Weapons: A debate, pp. 93-94)

“Love is like war,” the chaplain says in Bertolt Brecht’s Mother Courage, “it always finds a way.” For half a cen¬tury, nuclear war has not found a way. The old saying, “accidents will happen,” is translated as Murphy’s Law holding that anything that can go wrong will go wrong. Enough has gone wrong, and Scott Sagan has recorded many of the nuclear accidents that have, or have nearly, taken place. Yet none of them has caused anybody to blow anybody else up. In a speech given to American scientists in 1960, C. P. Snow said this: “We know, with the certainty of statistical truth, that if enough of these weapons are made—by enough different states—some of them are going to blow up. Through accident, or folly, or madness—but the motives don’t matter. What does mat¬ter is the nature of the statistical fact.” In 1960, statistical fact told Snow that within “at the most, ten years some of these bombs are going off.” Statistical fact now tells us that we are twenty-five years overdue. But the novelist and scientist overlooked the fact that there are no “statistical facts.”’ Half a century of nuclear peace has to be explained since divergence from historical experience is dramatic. Never in modern history, conventionally dated from 1648, have the great and major powers of the world en¬joyed such a long period of peace. Scott Sagan empha¬sizes the problems and the conditions that conduce to pessimism. I emphasize the likely solutions and the conditions that conduce to optimism, bearing in mind that nothing in this world is ever certain.

#### 3. No theft and no impact

Gray 9—Associate Note and Comment Editor, Arizona State Law Journal. J.D. Candidate, Sandra Day O'Connor College of Law at Arizona State University, 2009; B.S. Political Science, Arizona State University, 2005 (John, Comment: Choosing the Nuclear Option: The Case for a Strong Regulatory Response to Encourage Nuclear Energy Development, Spring 2009, 41 Ariz. St. L.J. 315, Lexis)

Nuclear power's opponents also warn that nuclear energy may be a terrorist target, both at nuclear plants themselves and during nuclear waste transportation and storage. 115 Such doomsday scenarios of terrorists blowing up a nuclear plant or stealing waste to create weapons may ring strongly in a post-9/11 world. However, these concerns are also misplaced. Just as the nuclear industry utilizes extreme tests and safeguards to prevent accidents, it also protects nuclear plants against terrorist attacks. 116 Terrorist attack by fire, explosion, or even crashing airplanes compares in strength to natural disasters such as earthquakes, tornadoes, floods, or hurricanes. 117 Studies suggest nuclear power plants' steel and cement shells have the strength to withstand any of these natural disasters or even large-scale terrorist attacks. 118 Thus, even if an attack occurred, the damage would be largely contained, minimizing any public health or environmental concerns. 119 Furthermore, nuclear power has both natural and artificial safeguards against terrorism involving nuclear waste. The natural safeguards may actually be the most effective. First, nuclear waste is radioactive, meaning that even an advanced group of individuals would have difficulty simply picking up or hijacking the material.

Not only does the material's [\*335] radioactivity prevent theft, but also its chemical composition provides little help to anyone who manages to steal the material. Once uranium has been processed through a nuclear power plant, it is not in a proper form to create nuclear weapons; in essence, a terrorist theft attempt would result only in some unusable nuclear fuel. 120 In addition to the natural safeguards, nuclear-waste-shipping containers are strong enough to withstand transportation safety concerns and to prevent nuclear waste from going to unintended people or areas. 121 These safeguards combine to prevent nuclear terrorism, at least in the energy context, from becoming a reality. Finally, because most radiation types would not cause widespread destruction, and because spent fuel is not weapons grade, a terrorist attack from stolen radiation would not be as dangerous as some fear. 122

#### 4. Threat of international response deters nuclear terror

Umana 11 – Felipe Umana is a contributor to Foreign Policy In Focus, from the Institute for Policy Studies. August 17, 2011, "Loose Nukes: Real Threat?" http://www.fpif.org/articles/loose\_nukes\_real\_threat

The threat of military, political, and economic repercussions from foreign actors provides another viable deterrent. For example, the existence of a nuclear weapon or the confirmed knowledge that a belligerent non-state actor has developed a feasible nuclear weapon can goad major world governments to join forces and unleash a rapid and strong military operation on the region where these non-state actors. Atomic weapons in the hands of terrorist organizations are likely to remain immobile (seeing as the proper resources to move and handle it carefully are likely absent or of low quality), so an allied military procedure from the world’s most powerful militaries could then aim to neutralize an entire organization. The complete annihilation of a group’s membership and hideouts is an extremely unattractive measure from the perspective of any terrorist organization. The country that hosts these organizations, deliberately or inadvertently, would face severe opprobrium if it did not deal with radicals within its own borders. Diplomatic and economic sanctions could similarly be used to dissuade these states from potentially aiding the belligerent non-state actors, while also restricting corruption tactics from diverting financial flows to radical groups. Even more importantly, sanctions could serve as punishment or discouragement against states seeking nuclear capabilities for an offensive atomic program. Iran, for instance, has faced a long history of economic sanctions, partly because of its nuclear program.