### 1nc anthro

#### Their singular focus on disability requires re-affirmation of a distinction between “human” and “animal”; this re-entrenches speciesism and causes extinction.

**Kim**, UC Irvine political science professor, **2009**

(Claire, “Slaying the Beast: Reflections on Race, Culture, and Species”, <http://aapf.org/wp-content/uploads/2009/05/kalfou.pdf>)

The story I have told helps us to understand what is going on in these controversies and what¶ is at stake. It reminds us of the interconnectedness of different forms of domination and¶ suggests that we cannot wish ourselves free of these ties, try as we might.¶ What is at stake in these controversies, in my view, is neither the stability of liberal societies¶ nor the viability of minority cultures but rather the possibility of developing a transformational¶ politics that escapes the recursive loop of dualisms and fragmented constituencies and mounts a¶ coherent challenge to dualistic, supremacist, taxonomic thinking itself. Such a development¶ would begin with the recognition that no single form of domination is more foundational than¶ any other and that, like it or not, our fates are linked. We are implicated in each other’s¶ oppressions. We are props in each other’s dramas. As long as there are beasts, there will be¶ John Chinamen and Negroes.¶ The ethical and political challenge faced by those involved in justice struggles then is to figure¶ out these questions of mutual responsibility and obligation as they relate to other struggles, to¶ learn how to struggle together in the space we share. The choice, in any case, is not between¶ developing this kind of politics and keeping on doing what we’re doing. To return to my¶ original background questions, social order as we know it has depended upon slaying beasts,¶ both human and nonhuman. But the violent subordination of human and animal “others” has set¶ in motion forces that now threaten not only social order but the very survival of the planet.¶ Apocalyptic pronouncements about ecological crisis are no longer poetic hyperbole; they reflect¶ the scientific reality unfolding around us. Val Plumwood sums up the situation in¶ Environmental Culture: “Through seeing ourselves in terms of mastery as primarily rational,¶ non-animal beings who are ‘outside nature,’ we are subject to illusions of autonomy, service and¶ control, taking the functioning of the ‘lower’ sphere, the ecological systems which support us,¶ entirely for granted... [This is] ecologically irrational—a danger to all planetary life...[E]cological¶ catastrophe will deliver the verdict of a higher court”. There is still time to rethink who we are¶ in relationship to others, to stop viewing other forms of life as things to be conquered and¶ destroyed. There is still time to act together.

#### Anthropocentrism causes extinction—it divorces our relationship with the natural world and makes ecocide on a cosmic scale inevitable.

Gottlieb 94 — Roger S. Gottlieb, Professor of Humanities at Worcester Polytechnic Institute, holds a Ph.D. in Philosophy from Brandeis University, 1994 (“Ethics and Trauma: Levinas, Feminism, and Deep Ecology,” *Crosscurrents: A Journal of Religion and Intellectual Life*, Summer, Available Online at http://www.crosscurrents.org/feministecology.htm, Accessed 07-26-2011)

Here I will at least begin in agreement with Levinas. As he rejects an ethics proceeding on the basis of self-interest, so I believe the anthropocentric perspectives of conservation or liberal environmentalism cannot take us far enough. Our relations with nonhuman nature are poisoned and not just because we have set up feedback loops that already lead to mass starvations, skyrocketing environmental disease rates, and devastation of natural resources. The problem with ecocide is not just that it hurts human beings. Our uncaring violence also violates the very ground of our being, our natural body, our home. Such violence is done not simply to the other – as if the rainforest, the river, the atmosphere, the species made extinct are totally different from ourselves. Rather, we have crucified ourselves-in-relation-to-the-other, fracturing a mode of being in which self and other can no more be conceived as fully in isolation from each other than can a mother and a nursing child. We are that child, and nonhuman nature is that mother. If this image seems too maudlin, let us remember that other lactating women can feed an infant, but we have only one earth mother. What moral stance will be shaped by our personal sense that we are poisoning ourselves, our environment, and so many kindred spirits of the air, water, and forests? To begin, we may see this tragic situation as setting the limits to Levinas's perspective. The other which is nonhuman nature is not simply known by a "trace," nor is it something of which all knowledge is necessarily instrumental. This other is inside us as well as outside us. We prove it with every breath we take, every bit of food we eat, every glass of water we drink. We do not have to find shadowy traces on or in the faces of trees or lakes, topsoil or air: we are made from them. Levinas denies this sense of connection with nature. Our "natural" side represents for him a threat of simple consumption or use of the other, a spontaneous response which must be obliterated by the power of ethics in general (and, for him in particular, Jewish religious law(23) ). A "natural" response lacks discipline; without the capacity to heed the call of the other, unable to sublate the self's egoism. Worship of nature would ultimately result in an "everything-is-permitted" mentality, a close relative of Nazism itself. For Levinas, to think of people as "natural" beings is to assimilate them to a totality, a category or species which makes no room for the kind of individuality required by ethics.(24) He refers to the "elemental" or the "there is" as unmanaged, unaltered, "natural" conditions or forces that are essentially alien to the categories and conditions of moral life.(25) One can only lament that Levinas has read nature -- as to some extent (despite his intentions) he has read selfhood -- through the lens of masculine culture. It is precisely our sense of belonging to nature as system, as interaction, as interdependence, which can provide the basis for an ethics appropriate to the trauma of ecocide. As cultural feminism sought to expand our sense of personal identity to a sense of inter-identification with the human other, so this ecological ethics would expand our personal and species sense of identity into an inter-identification with the natural world. Such a realization can lead us to an ethics appropriate to our time, a dimension of which has come to be known as "deep ecology."(26) For this ethics, we do not begin from the uniqueness of our human selfhood, existing against a taken-for-granted background of earth and sky. Nor is our body somehow irrelevant to ethical relations, with knowledge of it reduced always to tactics of domination. Our knowledge does not assimilate the other to the same, but reveals and furthers the continuing dance of interdependence. And our ethical motivation is neither rationalist system nor individualistic self-interest, but a sense of connection to all of life. The deep ecology sense of self-realization goes beyond the modern Western sense of "self" as an isolated ego striving for hedonistic gratification. . . . . Self, in this sense, is experienced as integrated with the whole of nature.(27) Having gained distance and sophistication of perception [from the development of science and political freedoms] we can turn and recognize who we have been all along. . . . we are our world knowing itself. We can relinquish our separateness. We can come home again -- and participate in our world in a richer, more responsible and poignantly beautiful way.(28) Ecological ways of knowing nature are necessarily participatory. [This] knowledge is ecological and plural, reflecting both the diversity of natural ecosystems and the diversity in cultures that nature-based living gives rise to. The recovery of the feminine principle is based on inclusiveness. It is a recovery in nature, woman and man of creative forms of being and perceiving. In nature it implies seeing nature as a live organism. In woman it implies seeing women as productive and active. Finally, in men the recovery of the feminine principle implies a relocation of action and activity to create life-enhancing, not life-reducing and life-threatening societies.(29) In this context, the knowing ego is not set against a world it seeks to control, but one of which it is a part. To continue the feminist perspective, the mother knows or seeks to know the child's needs. Does it make sense to think of her answering the call of the child in abstraction from such knowledge? Is such knowledge necessarily domination? Or is it essential to a project of care, respect and love, precisely because the knower has an intimate, emotional connection with the known?(30) Our ecological vision locates us in such close relation with our natural home that knowledge of it is knowledge of ourselves. And this is not, contrary to Levinas's fear, reducing the other to the same, but a celebration of a larger, more inclusive, and still complex and articulated self.(31) The noble and terrible burden of Levinas's individuated responsibility for sheer existence gives way to a different dream, a different prayer: Being rock, being gas, being mist, being Mind, Being the mesons traveling among the galaxies with the speed of light, You have come here, my beloved one. . . . You have manifested yourself as trees, as grass, as butterflies, as single-celled beings, and as chrysanthemums; but the eyes with which you looked at me this morning tell me you have never died.(32) In this prayer, we are, quite simply, all in it together. And, although this new ecological Holocaust -- this creation of planet Auschwitz – is under way, it is not yet final. We have time to step back from the brink, to repair our world. But only if we see that world not as an other across an irreducible gap of loneliness and unchosen obligation, but as a part of ourselves as we are part of it, to be redeemed not out of duty, but out of love; neither for our selves nor for the other, but for us all.

#### The role of your ballot is vote for the team producing the most liberatory scholarship –vote negative to endorse animal standpoint theory

**Best 7** [Steven Best, Chair of Philosophy at UT-EP, 2007 JCAS 5.2]

Commonalities of Oppression¶ “Compassion, in which all ethics must take root, can only attain its full breadth and depth¶ if it embraces all living creatures and does not limit itself to humankind.” Albert¶ Schweitzer¶ “The animals of the world exist for their own reasons. They were not made for humans¶ any more than black people were made for white, or women created for men.” Alice¶ Walker¶ The construction of industrial stockyards, the total objectification of nonhuman animals,¶ and the mechanized murder of innocent beings should have sounded a loud warning to¶ humanity that such a process might one day be applied to them, as it was in Nazi¶ Germany. If humans had not exploited animals, moreover, they might not have exploited¶ humans, or, at the very least, they would not have had handy conceptual models and¶ technologies for enforcing domination over others. “A better understanding of these¶ connections,” Patterson states, “should help make our planet a more humane and livable¶ place for all of us – people and animals alike, A new awareness is essential for the¶ survival of our endangered planet.”40 The most important objective of the book, indeed, is to promote a new ethics and¶ mode of perception. Eternal Treblinka affects a radical shift in the way we understand¶ oppression, domination, power, and hierarchy. It is both an effect of these changes, and,¶ hopefully, a catalyst to deepen political resistance to corporate domination and hierarchy¶ in all forms. Given its broad framing that highlights the crucial importance of human¶ domination over animals for slavery, racism, colonialism, and anti-Semitism, Eternal¶ Treblinka could and should revolutionize fields such as Holocaust studies, colonial and¶ postcolonial studies, and African American studies. But this can happen only if, to be¶ blunt, humanists, “radicals,” and “progressives” in academia and society in general¶ remove their speciesist blinders in order to grasp the enormity of animal suffering, its¶ monumental moral wrong in needless and unjustifiable exploitation of animals, and the¶ larger structural matrix in which human-over-human domination and human-over-animal¶ domination emerge from the same prejudiced, power-oriented, and pathological violent¶ mindset. Political resistance in western nations, above all, will advance a quantum leap¶ when enough people recognize that the movements for human liberation, animal¶ liberation, and earth liberation are so deeply interconnected that no one objective is¶ possible without the realization of the others.¶ A truly revolutionary social theory and movement seeks to emancipate members¶ of one species from oppression, but rather all species and the earth itself from the grip of¶ human domination and colonization. A future “revolutionary movement” worthy of the¶ name will grasp the ancient roots of hierarchy, such as took shape with the emergence of¶ agricultural societies, and incorporate a new ethics of nature that overcomes¶ instrumentalism and hierarchies of all forms.41 Humanism is a form of prejudice, bias,¶ bigotry, and destructive supremacism; it is a stale, antiquated, immature, and dysfunction¶ dogma; it is a form of fundamentalism, derived from the Church of “Reason” and, in¶ comparison with the vast living web of life still humming and interacting, however¶ tattered and damaged, it is, writ large, a tribal morality – in which killing a member of¶ your own “tribe” is wrong but any barbarity unleashed on another tribe is acceptable if¶ not laudable. Ultimately, humanism is pseudo-universalism, a Kantian quackery, a¶ hypocritical pretense to ethics, a dysfunctional human identity and cosmological map¶ helping to drive us ever-deeper into an evolutionary cul-de-sac.

#### Vote negative to disrupt your humanist identity- An absolute refusal is key – refusing to operate within an anthropocentric hierarchy is critical to breaking down the logical underpinnings of biopolitical violence.

**Pugliese 13** – Research Director at Macquarie University (Joseph, “State Violence and the Execution of Law: Biopolitical Caesurae of Torture, Black Sites, Drones,” p.95-97)

\*reject gendered language

Critically, the 'solution' to this regime of violence is not to shuffle the categories of life up or down the biopolitical hierarchy as this merely reproduces the system while leaving intact the governing power of the biopolitical cut andits attendant violent effects. Reflecting on the possibility of disrupting this biopolitical regime and its hierarchies of life, Agamben writes:

in our culture man has always been the result of a simultaneous division and articulation of the animal and thehuman, in which one of the two terms of the operation was what was at stake in it. To render inoperative the machine that governs our conception of man will therefore mean no longer to seek new - more effective or authentic- articulations, but rather to show the central emptiness, the hiatus that - within man - separates man and animal, and to risk ourselves in this emptiness: the suspension of the suspension. 21

Precisely because everything is always already at stake in the continued mobilization of biopolitical caesurae, the seeking of new articulations of life that will be valorized as more 'authentic' will merely reproduce the machine without having eliminated its capacity for violence as ensured by the re-articulation of the biopolitical cut. Looking back at the biopolitical infrastructure of the Nazi state, one can clearly see the imbrication of ecology, the regime of animal rights, and the racio-speciesist branding of Jews as collectively exemplifying the dangers of seeking more'authentic' articulations of animals and humans that are predicated on the biopolitical division and its capacity for inversions and recalibrations while leaving the violent order of the biopolitical regime intact. The Nazis effectively called for a more 'authentic' relation to nature ('blood and soil') that was buttressed by animal rights (Reich AnimalProtection laws) and the rights of nature (Reich Law on the Protection of Nature). 22 Animals and nature werethereby recalibrated up the speciesist scale at the expense of Jews. Deploying the violence of racio-speciesism, the Nazis animalized Jews as 'rats,' 'vermin' and other low life forms, situated them at the bottom of the biopolitical hierarchy, and then proceeded to enact the very cruelty and exterminatory violence (cattle car transport, herding incamps replicating stockyards and the industrialized killing procedures of animal slaughterhouses) that they hadoutlawed against animals. The Nazi state also exemplifies the manner in which the regime of (animal) rights can be perfectly accommodated within the most genocidal forms of state violence. This is so, precisely because the prior conceptof human rights is always-already founded on the human/animal biopolitical caesura and its asymmetry of power — otherwise the very categories of 'human' and 'animal' rights would fail to achieve cultural intelligibility. The paternal distribution of rights to non-human animals still pivots on this asymmetrical a priori. Even as it extends its seemingly benevolent regime of rights and protections to animals, rights discourse, by disavowing this violent a priori, merely reproduces the species war by other means

In order to short-circuit this machine, a deconstructive move is needed, a move that refuses to participate in the mereoverturning of the binarized hierarchy, for example: animal > human, and that effectively displaces the hierarchy bydisclosing the conceptual aporias that drive it. The challenge is to proceed to inhabit the hiatus, to run the risk of living the'emptiness' of an atopical locus that is neither animal nor human. This non-foundational locus is the space that Agamben designates as 'the open,' marked by the 'reciprocal suspension of the two terms [human/animal], something for which we perhaps have no name and which is neither animal nor [hujman [and that] settles in between nature and humanity.' Critically, the reciprocal suspension articulates 'the play between the two terms, their immediate constellation in a non-coincidence.' 2 \* In naming their constellation in a non-coincidence, Agamben enunciates the possibility of a Levinasian ethics that refuses the anthropocentric assimilation of the Other/animal/nature into the imperialism of the Same/human.The urgent necessity of instigating the move to render inoperative this anthropocentric regime is not incidental to the violent biopolitical operations of the state. On the contrary, state violence is virulently animated by the logic of the biopolitical caesura and its 'anthropological machine' - which 'produce [s] the human through the suspension and captureof the inhuman.' 21 The anthropocentrism that drives this biopolitical regime ensures that whatever is designated as non-human-animal life continues to be branded not only as expendable and as legitimately enslaveable but as the quintessential'unsavable figure of life.' 25 The aporetic force that drives this regime is exposed with perverse irony in one of the entries of the al-Qahtani interrogation log, which documents an interrogator reading to the detainee in the course of his torturesession two quotes from the book Wlmt Makes a Terrorist and Why?: 'The second quote pointed out that the terrorist mustdehumanize their victims and avoid thinking in terms of guilt or innocence.' In the context of the post-9/11 US gulags, this biopolitical regime of state terror is what guarantees the production of captive life that can be tortured with impunity andthat, moreover, enables its categorization as unsavable. Once captive life is thus designated, it can be liquidated withoutcompunction - without having to think 'in terms of guilt or innocence.

### 1nc framework

#### A. Interpretation—the aff should defend only topical action based on the resolution and defend all consequences of that action.

#### The text of the rez calls for debate on hypothetical government action

**Ericson 3** (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action though governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### “Topic relevance” doesn’t solve—only a precise and limited rez creates deliberation on a point of mutual difference

**Steinberg & Freeley 8** \*Austin J. Freeley is a Boston based attorney who focuses on criminal, personal injury and civil rights law, AND \*\*David L. Steinberg , Lecturer of Communication Studies @ U Miami, Argumentation and Debate: Critical Thinking for Reasoned Decision Making pp45-

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007.

Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference.

To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is **debatable, yet fails to provide much basis** for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose.

Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### It’s a prior question—otherwise there's nothing to require structured disagreement

Adolf G. **Gundersen,** Associate Professor of Political Science, Texas A&M, **2000**

POLITICAL THEORY AND PARTISAN POLITICS, 2000, p. 104-5. (DRGNS/E625)

Indirect political engagement is perhaps the single most important element of the strategy I am recommending here. It is also the most emblematic, as it results from a fusion of confrontation and separation. But what kind of political engagement might conceivably qualify as being both confrontational and separated from actual political decision-making? There is only one type, so far as I can see, and that is deliberation. Political deliberation is by definition a form of engagement with the collectivity of which one is a member. This is all the more true when two or more citizens deliberate together. Yet deliberation is also a form of political action that precedes the actual taking and implementation of decisions. It is thus simultaneously connected and disconnected, confrontational and separate. It is, in other words, a form of indirect political engagement. This conclusion, namely, that we ought to call upon deliberation to counter partisanship and thus clear the way for deliberation, looks rather circular at first glance. And, semantically at least, it certainly is. Yet this ought not to concern us very much. Politics, after all, is not a matter of avoiding semantic inconveniences, but of doing the right thing and getting desirable results. In political theory, therefore, the real concern is always whether a circular argument translates into a self-defeating prescription. And here that is plainly not the case, for what I am suggesting is that deliberation can diminish partisanship, which will in turn contribute to conditions amenable to continued or extended deliberation. That "deliberation promotes deliberation" is surely a circular claim, but it is just as surely an accurate description of the real world of lived politics, as observers as far back as Thucydides have documented. It may well be that deliberation rests on certain preconditions. I am not arguing that there is no such thing as a deliberative "first cause." Indeed, it seems obvious to me both that deliberators require something to deliberate about and that deliberation presumes certain institutional structure**s** and shared values. Clearly something must get the deliberative ball rolling and, to keep it rolling, the cultural terrain must be free of deep chasms and sinkholes. Nevertheless, however extensive and demanding deliberation's preconditions might be, we ought not to lose sight of the fact that, once begun, deliberation tends to be self-sustaining. Just as partisanship begets partisanship, deliberation begets deliberation. If that is so, the question of limiting partisanship and stimulating deliberation are to an important extent the same question.

#### B. Vote neg—

#### 1. Prep and clash—post facto topic change alters balance of prep, which structurally favors the aff because they speak last and use perms—key to engage a prepared adversary.

#### 2. Limits—specific topics are key to reasonable expectations for 2Ns—open subjects create incentives for avoidance—that overstretches the negative and turns participation.

#### Structured topic debate promotes substantive knowledge and critical skills to improve advocacy

Keller, et. al, 01 – Asst. professor School of Social Service Administration U. of Chicago (Thomas E., James K., and Tracly K., Asst. professor School of Social Service Administration U. of Chicago, professor of Social Work, and doctoral student School of Social Work, “Student debates in policy courses: promoting policy practice skills and knowledge through active learning,” Journal of Social Work Education, Spr/Summer 2001, EBSCOhost)

SOCIAL WORKERS HAVE a professional responsibility to shape social policy and legislation (National Association of Social Workers, 1996). In recent decades, the concept of policy practice has encouraged social workers to consider the ways in which their work can be advanced through active participation in the policy arena (Jansson, 1984, 1994; Wyers, 1991). The emergence of the policy practice framework has focused greater attention on the competencies required for social workers to influence social policy and placed greater emphasis on preparing social work students for policy intervention (Dear & Patti, 1981; Jansson, 1984, 1994; Mahaffey & Hanks, 1982; McInnis-Dittrich, 1994). The curriculum standards of the Council on Social Work Education (CSWE) require the teaching of knowledge and skills in the political process (CSWE, 1994). With this formal expectation of policy education in schools of social work, the best instructional methods must be employed to ensure students acquire the requisite policy practice skills and perspectives. The authors believe that structured student debates have great potential for promoting competence in policy practice and in-depth knowledge of substantive topics relevant to social policy. Like other interactive assignments designed to more closely resemble "real-world" activities, issue-oriented debates actively engage students in course content. Debates also allow students to develop and exercise skills that may translate to political activities, such as testifying before legislative committees. Finally, and perhaps most importantly, debates may help to stimulate critical thinking by shaking students free from established opinions and helping them to appreciate the complexities involved in policy dilemmas. Relationships between Policy Practice Skills, Critical Thinking, and Learning Policy practice encompasses social workers' "efforts to influence the development, enactment, implementation, or assessment of social policies" (Jansson, 1994, p. 8). Effective policy practice involves analytic activities, such as defining issues, gathering data, conducting research, identifying and prioritizing policy options, and creating policy proposals (Jansson, 1994). It also involves persuasive activities intended to influence opinions and outcomes, such as discussing and debating issues, organizing coalitions and task forces, and providing testimony. According to Jansson (1984,pp. 57-58), social workers rely upon five fundamental skills when pursuing policy practice activities: value-clarification skills for identifying and assessing the underlying values inherent in policy positions; conceptual skills for identifying and evaluating the relative merits of different policy options; interactional skills for interpreting the values and positions of others and conveying one's own point of view in a convincing manner; political skills for developing coalitions and developing effective strategies; and position-taking skills for recommending, advocating, and defending a particular policy. These policy practice skills reflect the hallmarks of critical thinking (see Brookfield, 1987; Gambrill, 1997). The central activities of critical thinking are identifying and challenging underlying assumptions, exploring alternative ways of thinking and acting, and arriving at commitments after a period of questioning, analysis, and reflection (Brookfield, 1987). Significant parallels exist with the policy-making process--identifying the values underlying policy choices, recognizing and evaluating multiple alternatives, and taking a position and advocating for its adoption. Developing policy practice skills seems to share much in common with developing capacities for critical thinking. R.W. Paul (as cited in Gambrill, 1997) states that critical thinkers acknowledge the imperative to argue from opposing points of view and to seek to identify weakness and limitations in one's own position. Critical thinkers are aware that there are many legitimate points of view, each of which (when thought through) may yield some level of insight. (p. 126) John Dewey, the philosopher and educational reformer, suggested that the initial advance in the development of reflective thought occurs in the transition from holding fixed, static ideas to an attitude of doubt and questioning engendered by exposure to alternative views in social discourse (Baker, 1955, pp. 36-40). Doubt, confusion, and conflict resulting from discussion of diverse perspectives "force comparison, selection, and reformulation of ideas and meanings" (Baker, 1955, p. 45). Subsequent educational theorists have contended that learning requires openness to divergent ideas in combination with the ability to synthesize disparate views into a purposeful resolution (Kolb, 1984; Perry, 1970). On the one hand, clinging to the certainty of one's beliefs risks dogmatism, rigidity, and the inability to learn from new experiences. On the other hand, if one's opinion is altered by every new experience, the result is insecurity, paralysis, and the inability to take effective action. The educator's role is to help students develop the capacity to incorporate new and sometimes conflicting ideas and experiences into a coherent cognitive framework. Kolb suggests that, "if the education process begins by bringing out the learner's beliefs and theories, examining and testing them, and then integrating the new, more refined ideas in the person's belief systems, the learning process will be facilitated" (p. 28). The authors believe that involving students in substantive debates challenges them to learn and grow in the fashion described by Dewey and Kolb. Participation in a debate stimulates clarification and critical evaluation of the evidence, logic, and values underlying one's own policy position. In addition, to debate effectively students must understand and accurately evaluate the opposing perspective. The ensuing tension between two distinct but legitimate views is designed to yield a reevaluation and reconstruction of knowledge and beliefs pertaining to the issue.

#### Don’t be an academic—their framework dooms solvency

**Gitlin 5** (Todd Gitlin formerly served as professor of sociology and director of the mass communications program at the University of California, Berkeley, and then a professor of culture, journalism and sociology at New York University. He is now a professor of journalism and sociology and chair of the Ph.D. program in Communications at Columbia University.  “The Intellectuals and the Flag”, <http://www.ciaonet.org.proxy2.cl.msu.edu/book/git01/git01_04.pdf>

Yet the audacious adepts of “theory” constitute themselves the equivalent of a vanguard party—laying out propositions to be admired for their audacity rather than their truth, defending themselves when necessary as victims of stodgy and parochial old-think, priding themselves on their cosmopolitan majesty. “Theory” dresses critical thought in a language that, for all its impenetrability, certifies that intellectuals are central and indispensable to the ideological and political future. The far right might be firmly in charge of Washington, but Foucault (and his rivals) rules the seminars. At a time of political rollback, intellectual flights feel like righteous and thrilling consolations. Masters of “theory,” left to themselves, could choose among three ways of understanding their political role. They could choose the more-or-less Leninist route, flattering themselves that they are in the process of reaching correct formulations and hence (eventually) bringing true consciousness to benighted souls who suffer from its absence. They could choose the populist path, getting themselves off the political hook in the here and now by theorizing that potent forces will **some day,** willy-nilly, gather to upend the system. Or they could reconcile themselves to Frankfurt-style futilitarianism, conceding that history has run into a cul-de-sac and making do nevertheless. In any event, practitioners of “theory” could carry on with their lives, practicing politics by publishing without perishing, indeed, without having to set foot outside the precincts of the academy. As the revolutionary tide has gone out, a vanguard marooned without a rearguard has made the university into an asylum. As many founders and masters of “theory” pass from the scene, the genre has calcified, lost much of its verve, but in the academy verve is no prerequisite for institutional weight, and so the preoccupation and the style go on and on.

### 1nc politics

Counterplan -

The President of the United States should substantially increase lobbying and persuasion efforts, using available political resources, on behalf of Congressional enactment of Trade Promotion Authority.

#### This means TPA will pass but it will be a tough fight

**Politi, 2/10/14** (James, Financial Times, “Trade: Pacts of strife”

<http://www.ft.com/intl/cms/s/0/c1254a20-8ff3-11e3-aee9-00144feab7de.html>

But that vision is colliding with a sobering domestic reality. Passing big trade bills though Congress has always been difficult, relying on a coalition of a majority of pro-business Republicans and a strong minority of Democrats willing to buck their base. The first part of that equation is shakier than usual, with Tea Party and conservative Republicans shying away from giving Mr Obama any victory. Securing the second part remains a big challenge.

Obama administration officials – including cabinet members, Mr Froman and the White House chief of staff – have stepped up efforts to stoke political momentum for trade on Capitol Hill. According to people familiar with the meetings, the president made strong pitches in favour of his trade agenda at private gatherings of congressional Democrats last week. But many believe he will have to do a lot more private arm-twisting and even deliver some high-profile speeches on trade to the American public if he really wants to change the political dynamic in his favour.

“If the president wants to get these trade deals done . . . he is going to have to work harder to pick up Democratic votes,” says Jim Manley, a former senior aide to Mr Reid. “People up for [re-election] in 2014 don’t want to deal with this, and many rank-and-file Democrats have a hard time supporting trade deals that may lead to job losses at home.”

Despite Mr Reid’s comments, there is a path to congressional approval of trade legislation to which optimists can point. A bipartisan fast-track bill introduced last month by Max Baucus, a Democratic senator, and Orrin Hatch, a Republican senator, is on hold because of Mr Baucus’s looming departure to become ambassador to Beijing. Ron Wyden, Mr Baucus’s successor as Senate finance committee chairman, may well want to make a few changes to the legislation to make it more palatable to the Democratic base. But if he succeeds, the finance committee could vote to advance it, sending it to Mr Reid and putting pressure on him to at least bring it to the floor for a final vote. At that point the business community lobbying would kick into gear and help carry the legislation over the finishing line.

For now, however, that scenario seems a long way away, and the phones in the congressional offices of moderate Democrats such as Mr Delaney are ringing with antitrade messages. It seems natural for a lawmaker in that position to hold fire on the subject – even if it keeps the global trade agenda in limbo. “ I come to this with a certain perspective, of someone who believes in trade. But that doesn’t mean I’m a rubber stamp for any agreement,” Mr Delaney says.

#### **Plan’s a perceived loss – that causes Obama’s allies to defect**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### That means Obama won’t win on trade

**McLarty, 2/2**/14 - Thomas F. "Mack" McLarty was chief of staff to President Bill Clinton during the NAFTA ratification fight. Nelson W. Cunningham was also a Clinton White House aide (“A Critical Test of Leadership” Huffington Post, <http://www.huffingtonpost.com/thomas-f-mclarty/a-critical-test-of-leader_b_4705623.html>

In his State of the Union address last week, President Obama took a good first step in asking Congress to provide the tools he needs to close two of the most ambitious trade deals in U.S. history. But he faces an immediate challenge from within his party that could imperil negotiations, with huge stakes for the U.S. globally and for our economy at home.

At issue is Trade Promotion Authority (TPA), which allows the president to send a trade agreement to Congress for an up-or-down vote, without amendments. Many Republicans reflexively oppose granting any request from the administration. But the biggest opposition is coming from Democrats skeptical of the value of free trade.

The day after the president's address, Senate Majority Leader Harry Reid said he opposed "fast track" authority. His remarks revealed the depth of a gulf among Democrats over trade, and sparked new criticism from Republicans as a sign that the president's party couldn't be lined up behind a major administration initiative.

For President Obama, this is a critical test of his leadership. Can he muster enough support for his trade agenda within his own party, and then assemble a bipartisan majority in both houses of Congress? Failure would be a great setback for U.S. prestige internationally, and a dismal signal for the president's remaining three years in office.

We've seen this movie before -- and it didn't end well. The last Democratic president to seek fast track authority on trade was Bill Clinton in 1997. The effort collapsed when then House Speaker Newt Gingrich was unable to marshal his Republican majority. It was an opportunity lost, ending a period of bipartisan cooperation on trade and stalling momentum created a few years earlier by the North American Free Trade Agreement.

Repeating this history would be a mistake, especially as our economy struggles to create good jobs at high wages. But the president faces an uphill battle. Now is the moment for Democrats to pause and take full measure of the stakes involved in opposing fast track. It's time for Republican supporters of trade to rally. And it is essential that the president and his cabinet exert persistent, focused leadership to persuade the skeptics.

President Obama deserves much credit for advancing the most far-reaching trade agenda in a generation. The administration is nearing the finish line in negotiations of the Trans Pacific Partnership, an agreement with 11 Pacific Rim nations, including Japan and perhaps South Korea and others. Simultaneous talks are underway between the United States and the European Union over the Transatlantic Trade and Investment Partnership -- creating an economic NATO and the largest liberalized trade zone in the world.

Together, the agreements would lower barriers in markets accounting for more than 60 percent of the global economy.

Neither negotiation would survive a failure to renew Trade Promotion Authority, which expired in 2007. TPA reassures our negotiating partners that they will not agree to difficult concessions only to see Congress later force unilateral changes. Under TPA, Congress establishes negotiating goals and must be regularly consulted by the president. In exchange, Congress promises an up-or-down vote without amendment. No major trade legislation has passed Congress in decades without it.

President Clinton knew that because trade was so hard, its support had to be bipartisan. To push for NAFTA, he assembled a high-profile war room in the White House, led by a prominent Democrat, Bill Daley, and former Republican Congressman Bill Frenzel. The president worked members tirelessly. The bill eventually passed with 102 Democratic and 132 Republican votes, and a similarly bipartisan total in the Senate. By contrast, the 1997 effort to renew fast-track authority lacked that high-profile White House push -- helping seal its doom.

Over the last decades, global trade has proven essential to building employment and reducing inequality at home. One of every five jobs in the United States is tied to exports. More significantly for the long run, 95 percent of the world's customers live outside our borders. While many Americans have concerns about free trade, they say the benefits of U.S. involvement in the global economy outweigh the risks (by a 2-1 margin in a poll last month by the Pew Research Center).

Even so, last fall 151 House Democrats signed a letter expressing their opposition to granting President Obama Trade Promotion Authority. Almost three dozen House Republicans followed suit. When the bill to renew TPA was introduced earlier this month, a number of Democratic Senators announced their opposition. They have now been joined by Sen. Reid.

The warning signs are clear, but so is the path forward. Now is the time for a full-court press from the White House. President Obama should be clear about the imperative of TPA and make the strong case for trade as a catalyst for job growth. Then he must press his cabinet to the task. Ambassador Froman is a skilled negotiator and advocate. His cabinet colleagues include many effective proponents of free trade and international engagement, including Secretary of State John Kerry, Treasury Secretary Jack Lew, and Commerce Secretary Penny Pritzker.

Without a concerted effort, TPA may well fail, embarrassing us abroad, casting a shadow on the president's second term and hurting our economy in the long run. Why not instead show America and the world that the president and Congress, including leaders of his own party, can work together?

TPA key to trade leadership and global security

Riley-Senior Analyst Trade Policy, Heritage-4/16/13

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Trade Promotion Authority (TPA) has been a critical tool for advancing free trade and spreading its benefits to a greater number of Americans. TPA, also known as “fast track” authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements. Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them. More than a decade has passed since TPA was last renewed in 2002, and its authority expired in 2007. Reinstituting TPA may well be the most important legislative action on trade for both Congress and the President in 2013 given the urgency of restoring America’s credibility in advancing open markets and securing greater benefits of two-way trade for Americans. As the case for timely reinstallation of an effective and practical TPA is stronger than ever, the quest for renewing TPA should be guided by principles that enhance trade freedom, a vital component of America’s economic freedom. Emerging TPA Renewal Debates Both House Ways and Means Committee chairman David Camp (R–MI) and Senate Finance Committee chairman Max Baucus (D–MT) have announced plans to pursue TPA legislation. However, many lawmakers have correctly pointed out that a proactive push from President Obama is critical, given that trade bills have been a thorny issue for many Democrats in recent years. Historically, it has been common practice, although not formally required, to have the President request that Congress provide renewed TPA. In fact, except for President Obama, every President since Franklin Roosevelt has either requested or received trade negotiating authority.[1] After four years of informing Congress it would seek TPA at “the appropriate time,” early this year the Obama Administration finally indicated its interest in working with Congress to get TPA done. The President’s 2013 trade agenda offered the Administration’s most forward-leaning language yet, specifying that “to facilitate the conclusion, approval, and implementation of market-opening negotiating efforts, we will also work with Congress on Trade Promotion Authority.”[2] In the 2002 Bipartisan Trade Promotion Authority Act, Congress—whose role in formulating U.S. trade policy includes defining trade negotiation objectives—made it clear that [t]he expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity.… Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.[3]

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### 1nc WOT

#### Exec flexibility on detention powers now

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

#### Indefinite detention key to prevent nuke and bio terror

**Scheid,** **10** – Don, Professor of Philosophy at Winona State University, Minnesota (“Indefinite Detention of Mega-terrorists in the War on Terror,” Criminal Justice Ethics, vol 29, no 1, April 2010, proquest //Red)

Third, this terrorism is stateless. The enemy is not associated with any nation-state, nor, indeed, with any specific geographical location. A terrorist group may have hideouts and training camps in a given country, but the group itself is not committed to that territory. Two significant consequences follow. First, international terrorism cannot be deterred by the threat of retaliatory strikes - as was the case with the nuclear-deterrence doctrine of mutual assured destruction (MAD) during the Cold War. Second, an international-terrorism organization is not responsible to any state, and, crucially, no single state has any control over it. Consequently, there is no recognized state to enforce a ceasefire agreement upon its terrorist-citizens, even if such an agreement could be achieved. A fourth, and the most important, feature that distinguishes al-Qaeda-style terrorism is its **great lethality** of mass murder. The development of science and technology has made it possible for terrorists to acquire highly lethal weapons and even **biological, chemical, or nuclear weapons of mass destruction** (WMD). Indeed, confirmed reports have established that Osama bin Laden and **al-Qaeda have sought nuclear weapons.**18 Globalization and technological developments have enabled small terrorist cells, independent of any state, **to wield deadly force** on a scale that was once only within the capability of states. The possibility of acquiring weapons of mass destruction, especially nuclear weapons, by those who cannot be deterred by the threat of retaliatory strikes, makes al Qaeda-type terrorism tremendously dangerous. The emerging picture is that of possible worldwide anarchy in which any group of any size anywhere in the world might undertake devastating attacks. Indeed, it seems only a matter of time before a so-called "suitcase" nuclear bomb obliterates a major city somewhere in the world.19 Thus, the kind of terrorism we are facing is that of sustained campaigns of highly lethal terrorist groups, like al-Qaeda, who operate globally - the kind of terrorism Richard Falk has dubbed, quite aptly, "mega-terrorism."20 For present purposes, we may understand a mega-terrorist to be a person who is intent on committing one or more acts of catastrophic terrorism. This would include those who have engaged in acts of catastrophic terrorism in the past and are prepared to do so again, and also individuals who attempt or plan to undertake such attacks. Conceptually, the mega-terrorist is a terrorist who poses a significant threat to undertake an act of catastrophic terrorism. As such, a mega-terrorist could be a U.S. citizen or a foreign national, and one who acts alone as well as one who is a member of a terrorist group or organization. Situating Mega-terrorism on a Continuum Since mega-terrorism, like all terrorism, is illegal, it might be thought of as a criminal activity. But megaterrorism really differs markedly from common crime and should be distinguished from it. Most crime is domestic, whereas mega-terrorism is global. More importantly, megaterrorists, such as al-Qaeda, (i) threaten a level of destructive violence far beyond virtually any form of criminal activity, and (ii) seek to challenge the legitimacy of state governments. Ordinary criminals (for example, burglars, auto thieves, rapists, murderers) affect only one or a few people. And run-of-the-mill criminals do not present any direct challenge to the state or its legitimacy. Although such criminals can have devastating effects on their victims (and family and associates), they do not present a threat to the state as such.21 Al-Qaeda, for example, is more than a criminal cartel, for while its proclamations rarely express a coherent grievance, it implicitly challenges the political legitimacy of the United States. By contrast, organized international criminal groups, such as drug-smuggling gangs, do not normally challenge the state directly. Indeed, they have a very strong interest in a state's prosperous economy. And though their activities can cause serious and widespread damage, they do not wreak the destruction of a 9/11. As the attacks of 9/11 forcefully demonstrated, the danger presented by 19 or 20 mega-terrorists is certainly far greater than that presented by any similar number of common criminals or crime-gang members. The 9/11 attacks directly killed some 3,000 people, injured hundreds of others, and caused at least tens of billions of dollars worth of damage to the American economy. Given its challenge to the legitimacy of the state and the magnitude of its destructiveness, mega-terrorism is certainly much more than ordinary criminal activity; it seems more like warfare. I tend to think of the struggle against international terrorism as a kind of "quasi-war."22 The challenges of violence that a society faces may be thought of as lying on a continuum with two dimensions: (a) from least harmful to most destructive, and (b) from the least to the greatest challenge or threat to the state. The continuum would have common, petty crime by individuals at one end and all-out war between states at the other. Clearly, mega-terrorism is somewhere in between, but nearer the warfare end. The outline of a violence continuum could include the following points: \* Petty theft by individual. \* Armed robbery by gang of four. \* Murder by individual. \* Serial murder by individual. \* Multiple murders by small group. \* Organized crime, involving, e.g., robberies, drug smuggling, and murders. \* Large drug cartel activity involving drug smuggling, robberies, kidnapping, murder; but also extensive killing and intimidation of police, judges and other government officials. \* Mega-terrorism by individual or small group (e.g., Timothy McVeigh). \* Mega-terrorism by international terrorism organization (e.g., al-Qaeda, 9/11). \* All-out wars that may or may not include terrorism as a tactic (e.g., World Wars I and II, Korea, Vietnam, First Gulf War). The Sliding Scale of Risk and Precautions The general framework I propose is that as dangers become greater, more extreme measures to protect against those dangers are justified. Thus, as we move along the continuum from petty crimes to full-fledged armed conflict and war, we may assume that more extreme measures can be justified. Most people, for example, agree that personal liberties may properly be curtailed if necessary to insure against increased dangers. In a hostage situation arising from an armed bank robbery, it may be justified to use a heavily armed SWAT team, tear gas and stun (concussion) grenades; but such measures would not be justified for the apprehension of a petty thief. In the normal domestic context, police may not bomb an apartment building to apprehend or kill a known murderer; yet bombing a building from which rocketpropelled grenades are coming is perfectly justified in the context of a war. Usually, the criminal law is applied cautiously and within many constraints during peacetime. But priorities inevitably and properly shift under war-like conditions when an enemy embarks on a campaign to kill thousands of people. As a general rule, individual rights and limitations on the use of force may be reduced as threatened dangers increase. The Consequentialist Rationale for Indefinite Detention The most plausible reason for the indefinite detention of terrorist suspects, I believe, is that they present a serious threat of committing future terrorist acts. In other words, the interest in preventing a person from committing terrorist acts could **justify** incapacitation - thus, **preventive detention.** American law allows for preventive detention in a variety of settings.23 A traditional example is the involuntary civil commitment of a person who is a danger to herself or to others as the result of mental disorder.24 Like the person with a highly infectious disease who is put in quarantine to protect other members of the community, the mentally ill person is put in confinement for similar reasons. Another category of preventive detention - one that has developed in recent years - has to do with sexual-predator statutes. These laws provide for continued incarceration after the sexual offender has completed his criminal sentence in prison. In Kansas v. Hendricks (1997), the Supreme Court permitted indeterminate detention of dangerous individuals who have completed their sentences and have not committed any new crime.25 The argument for sexual-predator laws is, simply, that certain convicted sexual predators are too dangerous to release even after they have served their criminal sentence. Analogous considerations apply to terrorism suspects. A schizophrenic person who has taken it into his head to blow up an apartment building because of paranoid delusions can be civilly committed. A dangerous sexual predator may be preventively detained. By analogy, a mega-terrorist who has taken it into his head to blow up buildings and kill hundreds of people also ought to be liable to preventive detention. Some terrorist suspects are simply **far too dangerous to release once captured.** But how dangerous is dangerous enough to warrant preventive detention? Dangerousness is a function of the degree of harm or destruction and the likelihood of its occurrence. What level of harm and what risk of occurrence are great enough to justify preventive detention are value judgments that society must make. It has been argued that the danger sexual predators pose is no greater than that of other kinds of violent offenders, and that, if there is no justification for the preventive detention of other kinds of violent offenders, then neither can the preventive detention of sexual predators be justified. I shall not join that debate here. It must be acknowledged, however, that the danger the mega-terrorist poses is many orders of magnitude greater than that of a sexual predator. If the danger to society ever warrants preventive detention, certainly that of the mega-terrorist must. In saying a person is too dangerous to release, the implication is that, if released, he will not be deterred from further crime by the threat of future punishment. This may be because he is mentally out of touch with reality, or it may be that the person has overwhelming urges he cannot control.26 In the case of megaterrorists, the individual is **undeterrable**, presumably, because he is committed to carrying out terrorist activities as a matter of **firm, ideological conviction** and/or religious beliefs. The possibility of being captured and punished or losing his life does not deter him. In fact, the prospect of becoming a martyr for his cause **may actually be a positive incentive**, as it apparently is for some suicide bombers. Since the person is undeterrable, his conduct cannot be controlled or significantly influenced by the threat of future punishment. The state's **only realistic option**, therefore, **is preventive detention.**27 The case of Zacarias Moussaoui might serve to illustrate the point. Taking flying lessons is not a crime, even if he was uninterested in learning how to take off or land an airplane. Nevertheless, he was certainly dangerous and undeterrable. Here was an avowed terrorist who repeatedly expressed approval of al-Qaeda's "jihad" against the United States and announced his own desire to kill as many Americans as possible. He stated, for example, "I will be delighted to come back one day to blow myself into your new W.T.C, if ever you rebuild it."28 Imagine - contrary to fact - that Zacarias Moussaoui had been acquitted of all charges at his federal trial. The Moussaoui trial, in fact, was something of a circus. He was mentally unstable, filed crazy pleadings and, for some time, insisted on acting as his own counsel. He made speeches in court that compromised his defense, including belligerent behavior toward the judge, as well as toward both prosecution and defense lawyers; and, ultimately, he pled guilty. Had Moussaoui been a sane and shrewd defendant, the Government might well have failed to carry its burden of proof. In such circumstances, should the Government simply release him? To do so would be extremely foolish, as he would still present a **continuing and extreme danger** to the United States. Apart from this hypothetical, there are reports of any number of actual terrorism prisoners who have been **released only to rejoin** jihad and **the**ir **fight** against the West. For example, one Guantánamo detainee, Abdullah Ghulam Rasoul, was transferred to Afghanistan in 2007 and then released by the Kabul government. According to reports, he is now the commander of operations for the Taliban in southern Afghanistan. Another detainee, Said Ali al-Shihri, was returned to his native Saudi Arabia in 2007 and is now reportedly a leader of al-Qaeda's affiliate in Yemen.29 The argument from dangerousness is essentially a utilitarian or consequentialist one. It is a kind of cost-benefit argument, balancing individual liberty against the collective security of society. To mistakenly release an enemy soldier during a conventional war between states may be of little consequence; but in a fight with mega-terrorists where each one is intent on killing thousands of civilians, **a mistaken release could be disastrous.** Referring to military conscription, Justice Oliver Wendell Holmes long ago noted, "No society has ever admitted that it could not sacrifice individual welfare to its own existence." When the stakes are high enough, it will do so. I believe this consequentialist approach is essentially correct, but it is important to emphasize that there is no suggestion here that we detain people indiscriminately. The idea is to detain indefinitely only very dangerous persons, that is, megaterrorists.

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

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Hundreds of scientific papers and reports have been published on nuclear terrorism. International conferences have been held on this threat with participation of Russian organizations, including IMEMO and the Institute of U.S. and Canadian Studies. Recommendations on how to combat the threat have been issued by the International Luxembourg Forum on Preventing Nuclear Catastrophe, Pugwash Conferences on Science and World Affairs, Russian-American Elbe Group, and other organizations. The UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005 and cooperation among intelligence services of leading states in this sphere is developing.¶ At the same time, these efforts fall short for a number of reasons, partly because various acts of nuclear terrorism are possible. Dispersal of radioactive material by detonation of conventional explosives (“dirty bombs”) is a method that is most accessible for terrorists. With the wide spread of radioactive sources, raw materials for such attacks have become much more accessible than weapons-useable nuclear material or nuclear weapons. The use of “dirty bombs” will not cause many immediate casualties, but it will result into long-term radioactive contamination, contributing to the spread of panic and socio-economic destabilization.¶ Severe **consequences can be caused by sabotaging nuclear power plants, research reactors, and radioactive materials storage facilities. Large cities are especially vulnerable to such attacks. A large city may host dozens of research reactors with a nuclear power plant or a couple of spent nuclear fuel storage facilities and dozens of large radioactive materials storage facilities located nearby.** The past few years have seen significant efforts made to enhance organizational and physical aspects of security at facilities, especially at nuclear power plants. Efforts have also been made to improve security culture. But these efforts do not preclude the possibility that well-trained terrorists may be able to penetrate nuclear facilities.¶ Some estimates show that sabotage of a research reactor in a metropolis may expose hundreds of thousands to high doses of radiation. A formidable part of the city would become uninhabitable for a long time.¶ Of all the scenarios, it is building an improvised nuclear device by terrorists that poses the maximum risk. **There are no engineering problems that cannot be solved if terrorists decide to build a simple “gun-type” nuclear device.** Information on the design of such devices, as well as implosion-type devices, is available in the public domain. It is the acquisition of weapons-grade uranium that presents the sole serious obstacle. Despite numerous preventive measures taken, we cannot rule out the possibility that such materials can be bought on the black market. Theft of weapons-grade uranium is also possible. Research reactor fuel is considered to be particularly vulnerable to theft, as it is scattered at sites in dozens of countries. There are about 100 research reactors in the world that run on weapons-grade uranium fuel, according to the International Atomic Energy Agency (IAEA).¶ A terrorist “gun-type” uranium bomb can have a yield of least 10-15 kt, which is comparable to the yield of the bomb dropped on Hiroshima. The explosion of such a bomb in a modern metropolis can kill and wound hundreds of thousands and cause serious economic damage. There will also be long-term sociopsychological and political consequences.¶ The vast majority of states have introduced unprecedented security and surveillance measures at transportation and other large-scale public facilities after the terrorist attacks in the United States, Great Britain, Italy, and other countries. These measures have proved burdensome for the countries’ populations, but the public has accepted them as necessary. A nuclear terrorist attack will make the public accept further measures meant to enhance control even if these measures significantly restrict the democratic liberties they are accustomed to. Authoritarian states could be expected to adopt even more restrictive measures.¶ If a nuclear terrorist act occurs, nations will delegate tens of thousands of their secret services’ best personnel to investigate and attribute the attack. Radical Islamist groups are among those capable of such an act. We can imagine what would happen if they do so, given the anti-Muslim sentiments and resentment that conventional terrorist attacks by Islamists have generated in developed democratic countries. Mass deportation of the non-indigenous population and severe sanctions would follow such an attack in what will cause **violent protests in the Muslim world**. **Series of armed clashing terrorist attacks may follow**. The prediction that Samuel Huntington has made in his book “The Clash of Civilizations and the Remaking of World Order” may come true. Huntington’s book clearly demonstrates that it is not Islamic extremists that are the cause of the Western world’s problems. Rather there is a deep, intractable conflict that is rooted in the fault lines that run between Islam and Christianity. This is especially dangerous for Russia because these fault lines run across its territory. To sum it up, the political leadership of Russia has every reason to revise its list of factors that could undermine strategic stability.  BMD does not deserve to be even last on that list because its effectiveness in repelling massive missile strikes will be extremely low. BMD systems can prove useful only if deployed to defend against launches of individual ballistic missiles or groups of such missiles. Prioritization of other destabilizing factors—that could affect global and regional stability—merits a separate study or studies. But even without them I can conclude that nuclear terrorism should be placed on top of the list. The threat of nuclear terrorism is real, and a successful nuclear terrorist attack would lead to a radical transformation of the global order.  All of the threats on the revised list must become a subject of thorough studies by experts. States need to work hard to forge a common understanding of these threats and develop a strategy to combat them.

#### Nuke terror causes extinction---equivalent to full-scale nuclear war

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

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

**Nuclear war makes earth uninhabitable**

**Mosher 2011** (2/25, Dave, Wired Science, “How one nuclear skirmish could wreck the planet”, <http://www.wired.com/wiredscience/2011/02/nuclear-war-climate-change/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+wiredscience+(Blog+-+Wired+Science)>, WEA)

WASHINGTON — Even a small nuclear exchange could ignite mega-firestorms and wreck the planet’s atmosphere.

New climatological simulations show 100 Hiroshima-sized nuclear bombs — relatively small warheads, compared to the arsenals military superpowers stow today — detonated by neighboring countries would destroy more than a quarter of the Earth’s ozone layer in about two years.

Regions closer to the poles would see even more precipitous drops in the protective gas, which absorbs harmful ultraviolet radiation from the sun. New York and Sydney, for example, would see declines rivaling the perpetual hole in the ozone layer above Antarctica. And it may take more than six years for the ozone layer to reach half of its former levels.

Researchers described the results during a panel Feb. 18 at the [annual meeting of the American Association for the Advancement of Science](http://www.aaas.org/meetings/2011/), calling it “a real bummer” that such a localized nuclear war could bring the modern world to its knees.

“This is tremendously dangerous,” said environmental scientist [Alan Robock of Rutgers University](http://envsci.rutgers.edu/~robock/), one of the climate scientists presenting at the meeting. “The climate change would be unprecedented in human history, and you can imagine the world … would just shut down.”

To defuse the complexity involved in a nuclear climate catastrophe, Wired.com sat down with [Michael Mills](http://acd.ucar.edu/~mmills/), an atmospheric chemist at the National Center for Atmospheric Research, who led some of the latest simulation efforts.

‘It’s pretty clear this would lead to a global nuclear famine.’

Wired.com: In your simulation, a war between India and Pakistan breaks out. Each country launches 50 nukes at their opponent’s cities. What happens after the first bomb goes off?

Michael Mills: The initial explosions ignite fires in the cities, and those fires would build up for hours. What you eventually get is a firestorm, something on the level we saw in World War II in cities like Dresden, in Tokyo, Hiroshima and so on.

Today we have larger cities than we did then — mega cities. And using 100 weapons on these different mega cities, like those in India and Pakistan, would cause these firestorms to build on themselves. They would create their own weather and start sucking air through bottom. People and objects would be sucked into buildings from the winds, basically burning everything in the city. It’ll burn concrete, the temperatures get so hot. It converts mega cities into black carbon smoke.

Wired.com: I see — the firestorms push up the air, and ash, into the atmosphere?

Mills: Yeah. You sometimes see these firestorms in large forest fires in Canada, in Siberia. In those cases, you see a lot of this black carbon getting into the stratosphere, but not on the level we’re talking about in a nuclear exchange.

The primary cause of ozone loss is the heating of the stratosphere by that smoke. Temperatures initially increase by more than 100 degrees Celsius, and remain more than 30 degrees higher than normal for more than 3 years. The higher temperatures increase the rates of two reaction cycles that deplete ozone.

Wired.com: And the ozone layer is in the stratosphere, correct?

Mills: OK, so we live in the troposphere, which is about 8 kilometers [5 miles] thick at the poles, and 16 km [10 miles] at the equator.

At the top of the troposphere, you start to encounter the stratosphere. It’s defined by the presence of the ozone layer, with the densest ozone at the lowest part, then it tails off at the stratopause, where the stratosphere ends about 50 km [30 miles] up.

We have a lot of weather in the troposphere. That’s because energy is being absorbed at the Earth’s surface, so it’s warmest at the surface. As you go up in the atmosphere it gets colder. Well, that all turns around as you get to the ozone layer. It starts getting hotter because ozone is absorbing ultraviolet radiation, until you run out of ozone and it starts getting colder again. Then you’re at the mesosphere.

How Nukes Gobble Up Ozone

When we talk about ozone, we’re talking about the odd oxygen family, which includes both ozone (O3) and atomic oxygen (O). Those two gases can interchange rapidly within hours.

Ozone is produced naturally by the breakdown of molecules of oxygen, O2, which makes up 20 percent of the atmosphere. O2 breaks down from ultraviolet solar radiation and splits it into two molecules of O. Then the O, very quickly, runs into another O2 and forms O3. And the way O3 forms O again is by absorbing more UV light, so it’s actually more protective than O2.

Ozone is always being created and destroyed by many reactions. Some of those are catalytic cycles that destroy ozone, and in those you have something like NO2 plus O to produce NO plus O2. In that case, you’ve gotten rid of a member of the odd oxygen family and converted it to O2. Well, then you’ve got an NO which can react with ozone and produce the NO2 back again and another O2. So the NO and NO2 can go back and forth and in the process one molecule can deplete thousands of molecules of ozone.

It’s a similar process to chlorofluorocarbons, Those are the larger molecules that we’ve manufactured that don’t exist naturally. They break down into chlorine in the stratosphere, which has a powerful ozone-depleting ability. —Michael Mills

Wired.com: Where do the nukes come in? I mean, in eroding the ozone layer?

Mills: It’s not the explosions that do it, but the firestorms. Those push up gases that lead to oxides of nitrogen, which act like[chlorofluorocarbons](http://www.wired.com/wiredscience/2010/12/siberian-traps/). But let’s back up a little.

There are two important elements that destroy ozone, or O3, which is made of three atoms of oxygen. One element involves oxides of nitrogen, including nitrogen dioxide, or NO2, which can be made from nitrous oxide, or N2O — laughing gas.

The other element is a self-destructive process that happens when ozone reacts with atomic oxygen, called O. When they react together, they form O2, which is the most common form of oxygen on the planet. This self-reaction is natural, but takes off the fastest in the first year after the nuclear war.

In years two, three and four, the NO2 builds up. It peaks in year two because the N2O, the stuff that’s abundant in the troposphere, rose so rapidly with the smoke that it’s pushed up into the stratosphere. There, it breaks down into the oxides like NO2, which deplete ozone.

Wired.com: So firestorms suck up the N2O, push it up into the stratosphere, and degrade the ozone layer. But where does this stuff come from?

Mills: N2O is among a wide class of what we call tracers that are emitted at the ground. It’s produced by bacterias in soil, and it’s been increasing due to human activities like nitrogen fertilizers used in farming. N2O is actually now the most significant human [impact on the ozone](http://www.wired.com/wiredscience/2008/05/reactive-nitrog/), now that we’ve mostly taken care of CFCs.

Wired.com: You did [similar computer simulations](http://www.wired.com/wiredscience/2008/04/regional-nuclea/) in the past few years and saw this [ozone-depleting effect](http://www.pnas.org/content/105/14/5307.abstract). What do the new simulations tell us?

Mills: Before, we couldn’t look at the ozone depletion’s effects on surface temperatures; we lacked a full ocean model that would respond realistically. The latest runs are ones I’ve done in the Community Earth System Model. It has an atmospheric model, a full-ocean model, full-land and sea-ice models, and even a glacier model.

We see significantly greater cooling than other studies, perhaps because of ozone loss . Instead of a globally averaged 1.3-degree–Celsius drop, which [Robock’s atmospheric mode](http://onlinelibrary.wiley.com/doi/10.1002/wcc.45/abstract)l produced, it’s more like 2 degrees. But we both see a 7 percent decrease in global average precipitation in both models. And in our model we see a much greater global average loss of ozone for many years, with even larger losses everywhere outside of the tropics.

I also gave this to my colleague [Julia Lee-Taylor](http://acd.ucar.edu/~julial/) at NCAR. She calculated the UV indexes across the planet, and a lot of major cities and farming areas would be exposed to a UV index similar to the Himalayas, or the hole over the Antarctic. We’re starting to look at the response of sea ice and land ice in the model, and it seems to be heavily increasing in just a few years after the hypothetical war.

Wired.com: What would all of this do to the planet, to civilization?

Mills: UV has big impacts on whole ecosystems. Plant height reduction, decreased shoot mass, reduction in foliage area. It can affect genetic stability of plants, increase susceptibility to attacks by insects and pathogens, and so on. It changes the whole competitive balance of plants and nutrients, and it can affect processes from which plants get their nitrogen.

Then there’s marine life, which depends heavily on [phytoplankton](http://www.wired.com/wiredscience/2010/08/phytoplankton-blooms-gallery/). Phytoplankton are essential; they live in top layer of the ocean and they’re the plants of the ocean. They can go a little lower in the ocean if there’s UV, but then they can’t get as much sunlight and produce as much energy. As soon as you cut off plants in the ocean, the animals would die pretty quickly. You also get damage to larval development and reproduction in fish, shrimp, crabs and other animals. Amphibians are also very susceptible to UV.

#### The aff got it wrong – ending the war in failure won’t cause a shift to new narratives of national security – in fact, it entrenches current discourses by putting politicians on the defensive – that turns case and leads to the continuation of the conservative, realist logic that justified the war in \_\_\_\_\_\_\_\_\_ to begin with

**Krebs, 11** – Ronald R., associate professor of political science at the University of Minnesota (“Military Conflict and the Politics of Narrative: The Rise and Fall of the Cold War Consensus,” pp. 1-2, 3/7/11, http://blog.lib.umn.edu/gpa/globalnotes/Krebs,%20MIRC%202011\_final.pdf)**Red**

**When it comes to many political phenomena, including** the dominant discourses and ideas that underpin the making of **foreign policy, the prevailing view is that inertia is the norm and that** substantial **innovation comes only in the wake of** **massive policy failure.** Failure may not itself dictate the new path, but it discredits dominant ideas, reworks power structures, and shakes up stagnant organizations. **When it comes to political language, however, a common view is that changeability is the norm: politicians adopt and jettison formulations as they see fit, maneuvering according to the political winds.** This paper argues that **these familiar perspectives both have it wrong** when it comes to the rise and fall of dominant **narratives of national security.** First, such narratives **exhibit far more stability than the realist view suggests, and they are marked by discontinuities, rather than continuous flux.** Among scholars, there is growing awareness of the ways in which language structures politics and shapes contestation,1 which would be impossible if it were not often relatively stable.2 Second, **the politics of failure trump its psychology.** As a result, **even substantial foreign policy failure is not likely to prompt a narrative revolution. In fact, policy success,** more than failure, **can open space for change** in dominant narratives. These claims are provocative, but they nicely fit the history of **the** so-called **Cold War** consensus, as the paper shows. Its **logic legitimated US intervention in two wars widely seen as frustrating failures. Yet the Korean War did not undermine, but rather consolidated the emerging narrative. The Vietnam War,** **often portrayed as the moment of that narrative’s unraveling, was nothing of the sort, because the prior consensus had begun to erode well before the war’s Americanization,** let alone the Tet Offensive. In the wake of the Cuban Missile Crisis, liberal Cold Warriors increasingly argued that the rules of the international game had changed, that demonstrated American power and will had finally persuaded the Soviet Union of shared interests. **Narrative divergence thus preceded the Vietnam War. If anything, the war limited the extent of the liberal-left’s challenge,** and it even promoted a new consensus, as long-standing conservative skeptics finally jumped fully and enthusiastically onto the internationalist wagon. **What accounts for this** complex mix of stability and change in the Cold War **narrative, and** perhaps **more generally in narratives of national security?** I argue that **the answer lies in the social-political production of conflict outcomes. Failures of military ventures do not reveal themselves as such all at once. Early on, political opponents have incentives to hedge their rhetorical bets, critique the war from the terrain of the dominant narrative, and thus reproduce or at best emend that narrative**—as did conservative nationalists during Korea and liberal internationalists during Vietnam. **Military failure provides the impetus for a challenge to the dominant security narrative, but its politics deprive alternatives of powerful advocates. In contrast, even though military success does not provide actors with strong reasons to challenge the underlying narratives, it does create conducive political conditions** if they are so inclined: **success can be interpreted as** proving the wisdom of the status quo, but it can also can be interpreted as **having been so successful as to require a new framework.** Indeed, some liberals made precisely this argument after the Cuban Missile Crisis. Success, however, legitimates alternatives without delegitimizing the status quo, and the result, therefore, is not the establishment of a new dominant narrative, but rather the collapse of consensus.

### 1nc cp

The United States federal government should pass a concurrent Congressional resolution expressing Congressional support for substantially increasing statutory restrictions on the war powers authority of the President of the United States by requiring that persons detained indefinitely receive either civilian trials or be released, and expressing the intent to remove funding if the executive continues detain indefinitely without either release or civilian trials.

#### It competes – it’s non-statutory.

Swaine, 10 **-** Associate Professor, George Washington University Law School (Edward, “THE POLITICAL ECONOMY OF YOUNGSTOWN” <http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty_publications>)

Furthermore, Justice Jackson’s framework also suggested that congressional will

could be expressed non-statutorily – again, at least insofar as its negative was involved. Assessing Truman’s seizure, Jackson appeared to reason that the absence of circumstances qualifying for Category One or Category Two necessarily meant that Category Three applied; where “the President cannot claim that [his action was] necessitated or invited by failure of Congress to legislate,” he suggested, such an action must be incompatible with the implied will of Congress.104 That implied will might be expressed informally,105 as clarified by passages from the other concurrences to which Justice Jackson expressly subscribed.106 Justices Black and Frankfurter, in particular, each invoked congressional inaction – namely, the fact that Congress had refused amendments to the Taft-Hartley Act that would have clearly given President Truman seizure authority.107 If congressional will can be informally expressed, as by refusing to take action, it suggests the relevance of acts by a subset of Congress rather than Congress as a whole. Individual legislators, certainly, may rise in sufficient opposition to defeat a statutory initiative, and a committee may prevent a bill from making the requisite progress. Presumably other “soft law” measures – like simple resolutions passed by the majority of one house only, or concurrent resolutions passed by both houses but not presented to the President – would be even better indicia.108

#### The CP changes the allocation of authority without enforcing legal restrictions on it.

Gersen and Posner, 8 **-** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

Soft statutes can also play an important role in the allocation of authority between Congress and the President. Consider the question of how the courts should evaluate executive action at the boundaries of Article II authority. In Youngstown Sheet & Tube Co. v. Sawyer, n113 Justice Jackson famously established a typology for understanding the borders of Article II power. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum ... ." n114 When Congress has said nothing or there is concurrent authority, there is a "zone of twilight" n115:

When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. n116

The President is on weakest ground when Congress has disapproved of the action: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." n117

Justice Jackson's language is instructive. He does not say "when a formal statute grants or denies presidential authority." Instead, he refers to the express or implied will of Congress, suggesting that implicit acquiescence will be enough to justify executive action in the zone of ambiguous executive authority.

The soft statute should be the preferred mechanism for articulating congressional views in this setting n118 because it is a better indicator of legislative views than legislative inaction. There are dozens of reasons Congress fails to act, and negative inferences in the context of Article II powers are especially hazardous. In fact, the soft law analytic frame makes clear that Justice Jackson's typology is actually incomplete. Speaking of congressional agreement, disapproval, or silence is unnecessarily crude. The House might authorize the presidential action and the Senate might expressly disavow it (or vice versa), creating a twilight of the twilight category.

In fact, Congress does sometimes use resolutions for these purposes. For example, during 2007, a concurrent resolution was introduced, "expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress." n119 During the same Congress, Senate Resolutions were offered to censure the President, Vice-President, and Attorney General for conduct related to the war in Iraq, detainment of enemy combatants, and wiretapping practices undertaken without warrants. n120 Another proposed resolution expressed the sense of the Senate that the President has constitutional authority to veto individual items of appropriation without additional statutory authorization. n121 These potential soft [\*604] statutes were not passed by majorities, but they are precisely the sort of information on the scope of permissible executive authority that would inform Justice Jackson's analysis. n122

In this scenario, legislative sentiments, expressed in nonbinding mechanisms, are taken as inputs in the decision-making processes of other institutions - the courts - that themselves generate binding rules, that is, hard law. Even without judicial involvement, however, resolutions that assert congressional authority or limitations on presidential authority may influence the way that the two political branches share power with each other - either as moves in a game where each side must both cooperate and compete, or as appeals to public opinion. n123

#### It avoids politics

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

If Congress wishes to resolve a statutory ambiguity, it always has the option of passing a law via bicameralism and presentment. In reality, however, passing laws is extremely difficult, and often the legislative enactment costs are simply greater than the benefits of resolving the ambiguity correctly. n1 Indeed, these high legislative enactment costs are among the reasons that so many of our statutes set forth broad principles rather than specify concrete requirements: gaining consensus on concrete textual mandates imposes even more costs on the already difficult process of legislation. A future Congress may want to clarify these vague statutory mandates as societal, legal, or technological circumstances change, as the consequences of certain policy choices become more apparent, or as legislators simply resolve their differences of opinion. But the costs of legislating a fix are usually too high. n2

Some leading commentators argue that this problem of statutory ossification due to high legislative enactment costs requires judges to interpret statutes as living documents. Professor William Eskridge claims that a statute’s meaning changes over time, and thus judges should “dynamically” interpret statutes.3 Judge Calabresi argues that judges should “update” obsolete statutes by striking down or ignoring any statute that is “sufficiently out of phase with the whole [contemporary] legal framework so that, whatever its age, it can only stand if a current majoritarian or representative body reaffirms it.”4 However, most commentators have criticized such approaches as putting too much power in the hands of unelected and unaccountable judges.5

Instead, Congress has largely relied on administrative agencies to continually update the policies that implement various statutes. When charged with administering statutes, such agencies often have the authority to interpret the legislation's vague commands by translating them into more precise and concrete rules. n6 Moreover, courts have given great deference to agency interpretations of ambiguous statutes under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. n7 These agency interpretations, although the products of a more politically accountable process than judicial interpretations, nonetheless are not as publicly deliberative or as nationally representative as a congressional decision. Worse, many other statutes that are similarly indefinite are not administered by any particular agency, thus leaving courts with the primary responsibility to develop the law - and thus the policy - under these statutes, despite judges' lack of expertise and accountability. n8 But by prohibiting one house of Congress from vetoing agency actions, the Supreme Court, in INS v. Chadha, n9 limited Congress's role in administering statutes, despite its institutional advantages over courts - and, in some respects, over agencies - in developing policy.

In a recent article, Professors Jacob Gersen and Eric Posner suggest that courts should pay greater attention to post-enactment congressional resolutions when interpreting statutes. n10 This Note develops their idea by proposing more modest congressional involvement than the legislative veto invalidated in Chadha: courts should defer to a [\*1509] House or Senate resolution that adopts a reasonable interpretation of an ambiguous statute. n11 For statutes not administered by any agency with interpretive authority, such deference to a congressional resolution would improve lawmaking by bringing to bear the legislature's policy expertise and democratic accountability. But even for statutes administered by agencies, this proposal would increase accountability. Further, this proposal would help to restore checks and balances and the Constitution's original allocation of power by making the House and Senate coequal with executive agencies in interpreting ambiguous statutory provisions. Whenever these institutions disagree, courts should simply adopt their own best reading of the statute, de novo.

I. Statutes Without Agencies

Courts should give Chevron-like deference to any resolution passed by either the House or the Senate that reasonably interprets a statutory ambiguity. When deciding whether to defer to such a congressional resolution, courts should engage in both steps of the Chevron analysis, just as they do for agency interpretations of statutes: First, the statute must be "silent or ambiguous with respect to the specific issue" addressed by the congressional resolution. n12 Second, the resolution's interpretation must be "based on a permissible construction of the statute." n13

## case

### 1nc impact

Moral absolutism leads to complicity in injustice – only consideration of consequences can create political responsibility.

Jeffrey **Isaac**, James H. Rudy Professor of Political Science and director of the Center for the Study of Democracy and Public Life at Indiana University, Bloomington, Spring **2002**, Dissent, vol. 49, no. 2

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, **an unyielding concern with moral goodness undercuts political responsibility.** **The concern** may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It **fails to see that the purity of one's intention does not ensure the achievement of what one intends.** **Abjuring violence** or refusing to make common cause with morally compromised parties **may seem like the right thing; but** if **such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters**; (2) it fails to see that **in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice.** This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that **politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that is most significant.** Just as the alignment with "good" may engender impotence, **it is often the pursuit of "good" that generates evil.** This is the lesson of communism in the twentieth century: **it is not enough that one's goals be sincere** or idealistic; **it is equally important,** always, **to ask about the effects of pursuing these goals and to judge these effects in pragmatic** and historically contextualized **ways**. Moral **absolutism** inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it **undermines political effectiveness.** WHAT WOULD IT mean for the American left right now to take seriously the centrality of means in politics? First, it would mean taking seriously the specific means employed by the September 11 attackers--terrorism. There is a tendency in some quarters of the left to assimilate the death and destruction of September 11 to more ordinary (and still deplorable) injustices of the world system--the starvation of children in Africa, or the repression of peasants in Mexico, or the continued occupation of the West Bank and Gaza by Israel. But this assimilation is only possible by ignoring the specific modalities of September 11. It is true that in Mexico, Palestine, and elsewhere, too many innocent people suffer, and that is wrong. It may even be true that the experience of suffering is equally terrible in each case. But neither the Mexican nor the Israeli government has ever hijacked civilian airliners and deliberately flown them into crowded office buildings in the middle of cities where innocent civilians work and live, with the intention of killing thousands of people. Al-Qaeda did precisely this. That does not make the other injustices unimportant. It simply makes them different. It makes the September 11 hijackings distinctive, in their defining and malevolent purpose--to kill people and to create terror and havoc. This was not an ordinary injustice. It was an extraordinary injustice. The premise of terrorism is the sheer superfluousness of human life. This premise is inconsistent with civilized living anywhere. It threatens people of every race and class, every ethnicity and religion. Because it threatens everyone, and threatens values central to any decent conception of a good society, it must be fought. And it must be fought in a way commensurate with its malevolence. Ordinary injustice can be remedied. Terrorism can only be stopped. Second, it would mean frankly acknowledging something well understood, often too eagerly embraced, by the twentieth century Marxist left--that it is often politically necessary to employ morally troubling means in the name of morally valid ends. **A just or even a better society can only be realized in and through political practice; in our complex and bloody world, it will sometimes be necessary to respond to barbarous tyrants or criminals, with whom moral suasion won't work.** In such situations **our choice is not between the wrong that confronts us and our ideal vision of a world beyond wrong. It is between the wrong that confronts us and the means-**-perhaps the dangerous means--**we have to employ in order to oppose it.** In such situations there is a danger that "realism" can become a rationale for the Machiavellian worship of power. But equally great is the danger of a righteousness that translates, in effect, into a refusal to act in the face of wrong. What is one to do? Proceed with caution. Avoid casting oneself as the incarnation of pure goodness locked in a Manichean struggle with evil. Be wary of violence. Look for alternative means when they are available, and support the development of such means when they are not. And never sacrifice democratic freedoms and open debate. Above all, ask the hard questions about the situation at hand, the means available, and the likely effectiveness of different strategies. Most striking about the campus left's response to September 11 was its refusal to ask these questions. Its appeals to "international law" were naive. It exaggerated the likely negative consequences of a military response, but failed to consider the consequences of failing to act decisively against terrorism. In the best of all imaginable worlds, it might be possible to defeat al-Qaeda without using force and without dealing with corrupt regimes and political forces like the Northern Alliance. But in this world it is not possible. And this, alas, is the only world that exists. **To be politically responsible is to engage this world and to consider the choices that it presents. To refuse to do this is to evade responsibility. Such a stance may indicate a sincere refusal of unsavory choices. But it should never be mistaken for a serious political commitment.**

#### Extinction will be the greatest moment of suffering in history – abject fear of it is self-defeating – rational attempts to prevent it are best

Epstein and Zhao ‘9  (Richard J. and Y. Laboratory of Computational Oncology, Department of Medicine, University of Hong Kong, Perspectives in Biology and Medicine Volume 52, Number 1, Winter 2009, Muse)JFS

Human extinction is 100% certain—the only uncertainties are when and how. Like the men and women of Shakespeare’s As You Like It, our species is but one of many players making entrances and exits on the evolutionary stage. That we generally deny that such exits for our own species are possible is to be expected, given the brutish selection pressures on our biology. Death, which is merely a biological description of evolutionary selection, is fundamental to life as we know it. Similarly, death occurring at the level of a species—extinction—is as basic to biology as is the death of individual organisms or cells. Hence, to regard extinction as catastrophic—which implies that it may somehow never occur, provided that we are all well behaved—is not only specious, but self-defeating. Man is both blessed and cursed by the highest level of self-awareness of any life-form on Earth. This suggests that the process of human extinction is likely to be accompanied by more suffering than that associated with any previous species extinction event. Such suffering may only be eased by the getting of wis- dom: the same kind of wisdom that could, if applied sufficiently early, postpone extinction. But the tragedy of our species is that evolution does not select for such foresight. Man’s dreams of being an immortal species in an eternal paradise are unachievable not because of original sin—the doomsday scenario for which we choose to blame our “free will,” thereby perpetuating our creationist illusion of being at the center of the universe—but rather, in reductionist terms, because paradise is incompatible with evolution. More scientific effort in propounding this central truth of our species’ mortality, rather than seeking spiritual comfort in escapist fantasies, could pay dividends in minimizing the eventual cumulative burden of human suffering.

#### Realism is true and inevitable—threats are real.

Mearsheimer 01 (John, Professor of political science at University of Chicago, The Tragedy of Great Power Politics, pg. 361)

The optimists' claim that security competition and war among the great powers has been burned out of the system is wrong. In fact, all of the major states around the globe still care deeply about the balance of power and are destined to compete for power among themselves for the foreseeable future. Consequently, realism will offer the most powerful explanations of international politics over the next century, and this will be true even if the debates among academic and policy elites are dominated by non-realist theories. In short, the real world remains a realist world. States still fear each other and seek to gain power at each other's expense, because international anarchy-the driving force behind greatpower behavior-did not change with the end of the Cold War, and there are few signs that such change is likely any time soon. States remain the principal actors in world politics and there is still no night watchman standing above them. For sure, the collapse of the Soviet Union caused a major shift in the global distribution of power. But it did not give rise to a change in the anarchic structure of the system, and without that kind of profound change, there is no reason to expect the great powers to behave much differently in the new century than they did in previous centuries.Indeed, considerable evidence from the 1990s indicates that power politics has not disappeared from Europe and Northeast Asia, the regions in which there are two or more great powers, as well as possible great powers such as Germany and Japan. There is no question, however, that the competition for power over the past decade has been low-key. Still, there is potential for intense security competion among the great powers that might lead to a major war. Probably the best evidence of that possibility is the fact that the United States maintains about one hundred thousand troops each in Europe and in Northeast Asia for the explicit purpose of keeping the major states in each region at peace.

## 2nc

### 2nc impact

#### Nuke terror causes extinction---equivalent to full-scale nuclear war

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

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

**Nuclear war makes earth uninhabitable**

**Mosher 2011** (2/25, Dave, Wired Science, “How one nuclear skirmish could wreck the planet”, <http://www.wired.com/wiredscience/2011/02/nuclear-war-climate-change/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+wiredscience+(Blog+-+Wired+Science)>, WEA)

WASHINGTON — Even a small nuclear exchange could ignite mega-firestorms and wreck the planet’s atmosphere.

New climatological simulations show 100 Hiroshima-sized nuclear bombs — relatively small warheads, compared to the arsenals military superpowers stow today — detonated by neighboring countries would destroy more than a quarter of the Earth’s ozone layer in about two years.

Regions closer to the poles would see even more precipitous drops in the protective gas, which absorbs harmful ultraviolet radiation from the sun. New York and Sydney, for example, would see declines rivaling the perpetual hole in the ozone layer above Antarctica. And it may take more than six years for the ozone layer to reach half of its former levels.

Researchers described the results during a panel Feb. 18 at the [annual meeting of the American Association for the Advancement of Science](http://www.aaas.org/meetings/2011/), calling it “a real bummer” that such a localized nuclear war could bring the modern world to its knees.

“This is tremendously dangerous,” said environmental scientist [Alan Robock of Rutgers University](http://envsci.rutgers.edu/~robock/), one of the climate scientists presenting at the meeting. “The climate change would be unprecedented in human history, and you can imagine the world … would just shut down.”

To defuse the complexity involved in a nuclear climate catastrophe, Wired.com sat down with [Michael Mills](http://acd.ucar.edu/~mmills/), an atmospheric chemist at the National Center for Atmospheric Research, who led some of the latest simulation efforts.

‘It’s pretty clear this would lead to a global nuclear famine.’

Wired.com: In your simulation, a war between India and Pakistan breaks out. Each country launches 50 nukes at their opponent’s cities. What happens after the first bomb goes off?

Michael Mills: The initial explosions ignite fires in the cities, and those fires would build up for hours. What you eventually get is a firestorm, something on the level we saw in World War II in cities like Dresden, in Tokyo, Hiroshima and so on.

Today we have larger cities than we did then — mega cities. And using 100 weapons on these different mega cities, like those in India and Pakistan, would cause these firestorms to build on themselves. They would create their own weather and start sucking air through bottom. People and objects would be sucked into buildings from the winds, basically burning everything in the city. It’ll burn concrete, the temperatures get so hot. It converts mega cities into black carbon smoke.

Wired.com: I see — the firestorms push up the air, and ash, into the atmosphere?

Mills: Yeah. You sometimes see these firestorms in large forest fires in Canada, in Siberia. In those cases, you see a lot of this black carbon getting into the stratosphere, but not on the level we’re talking about in a nuclear exchange.

The primary cause of ozone loss is the heating of the stratosphere by that smoke. Temperatures initially increase by more than 100 degrees Celsius, and remain more than 30 degrees higher than normal for more than 3 years. The higher temperatures increase the rates of two reaction cycles that deplete ozone.

Wired.com: And the ozone layer is in the stratosphere, correct?

Mills: OK, so we live in the troposphere, which is about 8 kilometers [5 miles] thick at the poles, and 16 km [10 miles] at the equator.

At the top of the troposphere, you start to encounter the stratosphere. It’s defined by the presence of the ozone layer, with the densest ozone at the lowest part, then it tails off at the stratopause, where the stratosphere ends about 50 km [30 miles] up.

We have a lot of weather in the troposphere. That’s because energy is being absorbed at the Earth’s surface, so it’s warmest at the surface. As you go up in the atmosphere it gets colder. Well, that all turns around as you get to the ozone layer. It starts getting hotter because ozone is absorbing ultraviolet radiation, until you run out of ozone and it starts getting colder again. Then you’re at the mesosphere.

How Nukes Gobble Up Ozone

When we talk about ozone, we’re talking about the odd oxygen family, which includes both ozone (O3) and atomic oxygen (O). Those two gases can interchange rapidly within hours.

Ozone is produced naturally by the breakdown of molecules of oxygen, O2, which makes up 20 percent of the atmosphere. O2 breaks down from ultraviolet solar radiation and splits it into two molecules of O. Then the O, very quickly, runs into another O2 and forms O3. And the way O3 forms O again is by absorbing more UV light, so it’s actually more protective than O2.

Ozone is always being created and destroyed by many reactions. Some of those are catalytic cycles that destroy ozone, and in those you have something like NO2 plus O to produce NO plus O2. In that case, you’ve gotten rid of a member of the odd oxygen family and converted it to O2. Well, then you’ve got an NO which can react with ozone and produce the NO2 back again and another O2. So the NO and NO2 can go back and forth and in the process one molecule can deplete thousands of molecules of ozone.

It’s a similar process to chlorofluorocarbons, Those are the larger molecules that we’ve manufactured that don’t exist naturally. They break down into chlorine in the stratosphere, which has a powerful ozone-depleting ability. —Michael Mills

Wired.com: Where do the nukes come in? I mean, in eroding the ozone layer?

Mills: It’s not the explosions that do it, but the firestorms. Those push up gases that lead to oxides of nitrogen, which act like[chlorofluorocarbons](http://www.wired.com/wiredscience/2010/12/siberian-traps/). But let’s back up a little.

There are two important elements that destroy ozone, or O3, which is made of three atoms of oxygen. One element involves oxides of nitrogen, including nitrogen dioxide, or NO2, which can be made from nitrous oxide, or N2O — laughing gas.

The other element is a self-destructive process that happens when ozone reacts with atomic oxygen, called O. When they react together, they form O2, which is the most common form of oxygen on the planet. This self-reaction is natural, but takes off the fastest in the first year after the nuclear war.

In years two, three and four, the NO2 builds up. It peaks in year two because the N2O, the stuff that’s abundant in the troposphere, rose so rapidly with the smoke that it’s pushed up into the stratosphere. There, it breaks down into the oxides like NO2, which deplete ozone.

Wired.com: So firestorms suck up the N2O, push it up into the stratosphere, and degrade the ozone layer. But where does this stuff come from?

Mills: N2O is among a wide class of what we call tracers that are emitted at the ground. It’s produced by bacterias in soil, and it’s been increasing due to human activities like nitrogen fertilizers used in farming. N2O is actually now the most significant human [impact on the ozone](http://www.wired.com/wiredscience/2008/05/reactive-nitrog/), now that we’ve mostly taken care of CFCs.

Wired.com: You did [similar computer simulations](http://www.wired.com/wiredscience/2008/04/regional-nuclea/) in the past few years and saw this [ozone-depleting effect](http://www.pnas.org/content/105/14/5307.abstract). What do the new simulations tell us?

Mills: Before, we couldn’t look at the ozone depletion’s effects on surface temperatures; we lacked a full ocean model that would respond realistically. The latest runs are ones I’ve done in the Community Earth System Model. It has an atmospheric model, a full-ocean model, full-land and sea-ice models, and even a glacier model.

We see significantly greater cooling than other studies, perhaps because of ozone loss . Instead of a globally averaged 1.3-degree–Celsius drop, which [Robock’s atmospheric mode](http://onlinelibrary.wiley.com/doi/10.1002/wcc.45/abstract)l produced, it’s more like 2 degrees. But we both see a 7 percent decrease in global average precipitation in both models. And in our model we see a much greater global average loss of ozone for many years, with even larger losses everywhere outside of the tropics.

I also gave this to my colleague [Julia Lee-Taylor](http://acd.ucar.edu/~julial/) at NCAR. She calculated the UV indexes across the planet, and a lot of major cities and farming areas would be exposed to a UV index similar to the Himalayas, or the hole over the Antarctic. We’re starting to look at the response of sea ice and land ice in the model, and it seems to be heavily increasing in just a few years after the hypothetical war.

Wired.com: What would all of this do to the planet, to civilization?

Mills: UV has big impacts on whole ecosystems. Plant height reduction, decreased shoot mass, reduction in foliage area. It can affect genetic stability of plants, increase susceptibility to attacks by insects and pathogens, and so on. It changes the whole competitive balance of plants and nutrients, and it can affect processes from which plants get their nitrogen.

Then there’s marine life, which depends heavily on [phytoplankton](http://www.wired.com/wiredscience/2010/08/phytoplankton-blooms-gallery/). Phytoplankton are essential; they live in top layer of the ocean and they’re the plants of the ocean. They can go a little lower in the ocean if there’s UV, but then they can’t get as much sunlight and produce as much energy. As soon as you cut off plants in the ocean, the animals would die pretty quickly. You also get damage to larval development and reproduction in fish, shrimp, crabs and other animals. Amphibians are also very susceptible to UV.

### AT: Terror K

#### Believing nuke terror is possible key to solve it

**Allison, 10**– professor of government and director of the Belfer Center for Science and International Affairs at Harvard (1/25/10, Graham, “A Failure to Imagine the Worst: The first step toward preventing a nuclear 9/11 is believing it could happen,” <http://www.foreignpolicy.com/articles/2010/01/25/a_failure_to_imagine_the_worst?print=yes&hidecomments=yes&page=full>)

In his first speech to the U.N. Security Council, U.S. President Barack Obama challenged members to think about the impact of a single nuclear bomb.He said: "Just one nuclear weapon exploded in a city -- be it New York or Moscow, Tokyo or Beijing, London or Paris -- could kill hundreds of thousands of people." The consequences, he noted, would "destabilize our security, our economies, and our very way of life." Before the Sept. 11, 2001, assault on the World Trade Center and Pentagon, who could have imagined that terrorists would mount an attack on the American homeland that would kill more citizens than Japan did at Pearl Harbor? As then-Secretary of State Condoleezza Rice testified to the 9/11 Commission: "No one could have imagined them taking a plane, slamming it into the Pentagon ... into the World Trade Center, using planes as missiles." For most Americans, the idea of international terrorists conducting a successful attack on their homeland, killing thousands of citizens, was not just unlikely. It was inconceivable. As is now evident, assertions about what is "imaginable" or "conceivable," however, are propositions about our minds, not about what is objectively possible. Prior to 9/11, how unlikely was a megaterrorist attack on the American homeland? In the previous decade, al Qaeda attacks on the World Trade Center in 1993, U.S. embassies in Kenya and Tanzania in 1998, and the USS Cole in 2000 had together killed almost 250 and injured nearly 6,000. Moreover, the organization was actively training thousands of recruits in camps in Afghanistan for future terrorist operations. Thinking about risks we face today, we should reflect on the major conclusion of the bipartisan 9/11 Commission established to investigate that catastrophe. The U.S. national security establishment's principal failure prior to Sept. 11, 2001, was, the commission found, a "failure of imagination." Summarized in a single sentence, the question now is: Are we at risk of an equivalent failure to imagine a nuclear 9/11? After the recent attempted terrorist attack on Northwest Airlines Flight 253, this question is more urgent than ever. The thought that terrorists could successfully explode a nuclear bomb in an American city killing hundreds of thousands of people seems incomprehensible. This essential incredulity is rooted in three deeply ingrained presumptions. First, no one could seriously intend to kill hundreds of thousands of people in a single attack. Second, only states are capable of mass destruction; nonstate actors would be unable to build or use nuclear weapons. Third, terrorists would not be able to deliver a nuclear bomb to an American city. In a nutshell, these presumptions lead to the conclusion: inconceivable. Why then does Obama call nuclear terrorism "the single most important national security threat that we face" and "a threat that rises above all others in urgency?" Why the unanimity among those who have shouldered responsibility for U.S. national security in recent years that this is a grave and present danger? In former CIA Director George Tenet's assessment, "the main threat is the nuclear one. I am convinced that this is where [Osama bin Laden] and his operatives desperately want to go." When asked recently what keeps him awake at night, Secretary of Defense Robert Gates answered: "It's the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Leaders who have reached this conclusion about the genuine urgency of the nuclear terrorist threat are not unaware of their skeptics' presumptions. Rather, they have examined the evidence, much of which has been painstakingly compiled here by Rolf Mowatt-Larssen, former head of the CIA's terrorism and weapons-of-mass-destruction efforts, and **much of which remains classified.** Specifically, who is seriously motivated to kill hundreds of thousands of Americans? Osama bin Laden, who has declared his intention to kill "4 million Americans -- including 2 million children." The deeply held belief that even if they wanted to, "men in caves can't do this" was then Pakistani President Pervez Musharraf's view when Tenet flew to Islamabad to see him after 9/11. As Tenet (assisted by Mowatt-Larssen) took him step by step through the evidence, he discovered that indeed they could. Terrorists' opportunities to bring a bomb into the United States follow the same trails along which 275 tons of drugs and 3 million people crossed U.S. borders illegally last year. In 2007, Congress established a successor to the 9/11 Commission to focus on terrorism using weapons of mass destruction. This bipartisan Commission on the Prevention of WMD Proliferation and Terrorism issued its report to Congress and the Obama administration in December 2008. In the **commission's unanimous judgment:** "it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013." Faced with the possibility of an American Hiroshima, many Americans are paralyzed by a combination of denial and fatalism. Either it hasn't happened, so it's not going to happen; or, if it is going to happen, there's nothing we can do to stop it. Both propositions are wrong. **The countdown to a nuclear 9/11 can be stopped, but only by realistic recognition of the threat, a clear agenda for action, and relentless determination to pursue it.**

### AT: Terror K – Derrida

#### Even K-hack critics of security practices concede terrorism’s worse---threatens extinction

Derrida 3 - Jacques Derrida, Directeur d’Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris, and Professor of Philosophy, French and Comparative Literature at the University of California, Irvine, 2003, Philosophy in a Time of Terror, p. 98-99

Why is this threat signaled by the “end of the Cold War”? Why is it worse than the “Cold War” itself? Like the formation of Arab Mus­lim terrorist networks equipped and trained during the Cold War, this threat represents the residual consequence of both the Cold War and the passage beyond the Cold War. On the one hand, because of the now uncontrollable proliferation of nuclear capability it is difficult to measure the degrees and forms of this force, just as it is difficult to de­limit the responsibility for this proliferation, a point we cannot pursue here. On the other hand, and here we touch upon what is worse than the Cold War, there can now no longer be a balance of terror, for there is no longer a duel or standoff between two powerful states (U.S.A., -USSR) involved in a game theory in which both states are capable of neutralizing the other’s nuclear power through a reciprocal and organ­ized evaluation of the respective risks. From now on, the nuclear threat, the “total” threat, no longer comes from a state but from anonymous forces that are absolutely unforeseeable and incalculable. And since this absolute threat will have been secreted by the end of the Cold War and the “victory” of the U.S. camp, since it threatens what is supposed to sustain world order, the very possibility of a world and of any world- -wide effort [mondialisation] (international law, a world market, a uni­versal language, and so on), what is thus put at risk by this terrifying autoimmunitary logic is nothing less than the existence of the world, of the worldwide itself. There is no longer any limit to this threat that at once looks for its antecedents or its resources in the long history of the Cold War and yet appears infinitely more dangerous, frightening, terri­fying than the Cold War. And there are, in fact, countless signs that this threat is accelerating and confirming the end of this Cold War, hasten­ing the at least apparent reconciliation of two equally frightened ene­mies. When Bush and his associates blame “the axis of evil,” we ought both to smile at and denounce the religious connotations, the childish stratagems, the obscurantist mystifications of this inflated rhetoric. And yet there is, in fact, and from every quarter, an absolute “evil” whose threat, whose shadow, is spreading. Absolute evil, absolute threat, because what is at stake is nothing less than the mondialisation or the worldwide movement of the world, life on earth and elsewhere, with­out remainder.

### responses

#### Effective executive response is key to prevent global crises --- specifically: Iranian nuclearization, North African terrorism, Russian aggression, and Senkaku conflict

Ghitis 13 (Frida, world affairs columnist for The Miami Herald and World Politics Review. A former CNN producer and correspondent, she is the author of *The End of Revolution: A Changing World in the Age of Live Television*. “World to Obama: You can't ignore us,” 1/22, http://www.cnn.com/2013/01/22/opinion/ghitis-obama-world)

And while Obama plans to dedicate his efforts to the domestic agenda, a number of brewing international crises are sure to steal his attention and demand his time. Here are a few of the foreign policy issues that, like it or not, may force Obama to divert his focus from domestic concerns in this new term.¶ Syria unraveling: The United Nations says more than 60,000 people have already died in [a civil war t](http://www.cnn.com/2013/01/02/world/meast/syria-civil-war/index.html)hat the West has, to its shame, done little to keep from spinning out of control. Washington[has warned](http://www.nytimes.com/2012/12/04/world/middleeast/nato-prepares-missile-defenses-for-turkey.html?_r=0) that the use of chemical or biological weapons might force its hand. But the regime [may have already used them](http://www.reuters.com/article/2013/01/19/us-syria-chemical-newspaper-idUSBRE90I0JV20130119). The West has failed to nurture a moderate force in the conflict. Now Islamist extremists are growing [more powerful](http://www.al-monitor.com/pulse/originals/2013/01/fighter-syria-aleppo-turkey.html) within the opposition. The chances are growing that worst-case scenarios will materialize. Washington will not be able to endlessly ignore this dangerous war.¶ Egypt and the challenge of democracy: What happens in Egypt strongly influences the rest of the Middle East -- and hence world peace -- which makes it all the more troubling to see liberal democratic forces lose battle after battle for political influence against Islamist parties, and to hear blatantly [anti-Semitic speech](http://www.nytimes.com/2013/01/15/world/middleeast/egypts-leader-morsi-made-anti-jewish-slurs.html) coming from the mouth of Mohammed Morsy barely two years before he became president.¶ Iran's nuclear program: Obama took office promising a new, more conciliatory effort to persuade Iran to drop its nuclear enrichment program. Four years later, he has succeeded in implementing international sanctions, but Iran has continued enriching uranium, leading [United Nations inspectors](http://news.yahoo.com/un-credible-evidence-iran-working-nuke-weapons-153544271.html) to find "credible evidence" that Tehran is working on nuclear weapons. Sooner or later the moment of truth will arrive. If a deal is not reached, Obama will have to decide if he wants to be the president on whose watch a nuclear weapons race was unleashed in the most dangerous and unstable part of the world.¶ North Africa terrorism: A much-neglected region of the world is becoming increasingly difficult to disregard. In recent days, [Islamist extremists](http://edition.cnn.com/2013/01/18/opinion/ghitis-algeria-hostage-crisis/index.html?hpt=op_t1) took American and other hostages in Algeria and France sent its military to fight advancing Islamist extremists in Mali, a country that once represented optimism for democratic rule in Africa, now overtaken by militants who are potentially turning it into a staging ground for international terrorism.¶ Russia repression: As Russian President Vladimir Putin succeeds in [crushing opposition](http://www.france24.com/en/20121027-russian-opposition-leaders-detained-protest-navalny-udaltsov-vladimir-putin) to his [increasingly authoritarian](http://www.freedomhouse.org/report/freedom-world/2013/russia)rule, he and his allies are making anti-American words and policies their favorite theme. A recent ban on adoption of Russian orphans by American parents is only the most vile example. But Washington needs Russian cooperation to achieve its goals at the U.N. regarding Iran, Syria and other matters. It is a complicated problem with which Obama will have to wrestle.¶ Then there are the long-standing challenges that could take a turn for the worse, such as the Israeli-Palestinian conflict. Obama may not want to wade into that morass again, but events may force his hand.¶ And there are the so-called "black swans," events of low probability and high impact. [There is talk](http://www.economist.com/news/asia/21569757-armed-clashes-over-trivial-specks-east-china-sea-loom-closer-drums-war) that China and Japan could go to war over a cluster of disputed islands.¶ A war between two of the world's largest economies could prove devastating to the global economy, just as a sudden and dramatic reversal in the fragile Eurozone economy could spell disaster. Japan's is only the hottest of many territorial disputes between China and its Asian neighbors. Then there's North Korea with its nuclear weapons.¶ We could see regions that have garnered little attention come back to the forefront, such as Latin America, where conflict could arise in a post-Hugo Chavez Venezuela.¶ The president -- and the country -- could also benefit from unexpectedly positive outcomes. Imagine a happy turn of events in Iran, a breakthrough between Israelis and Palestinians, the return of prosperity in Europe, a successful push by liberal democratic forces in the Arab uprising countries, which could create new opportunities, lowering risks around the world, easing trade, restoring confidence and improving the chances for the very agenda Obama described in his inaugural speech.¶ The aspirations he expressed for America are the ones he should express for our tumultuous planet. Perhaps in his next big speech, the State of the Union, he can remember America's leadership position and devote more attention to those around the world who see it as a source of inspiration and encouragement.¶ After all, in this second term Obama will not be able to devote as small a portion of his attention to foreign policy as he did during his inaugural speech.¶

### 2nc Link Wall

detention is key—the federal government must be able to gain interrogation and prevent future attacks—that’s Scheid and tomatz

link determines direction of uniqueness—only indication of how the SQ is changed by the plan

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

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

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

#### Detention key to the war on terror – multiple reasons

#### A. Intel gathering

Delery Et.al. ’12 - Principal Deputy, Assistant Attorney General, Civil Division, DOJ

Principal Deputy, Assistant Attorney General, Civil Division, STUART F. DELERY

Defendants' Motion to Dismiss, United States' Statement of Interest, Case 1:12-cv-01192-RMC Document 18 Filed 12/14/12 Page 1 of 58, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 12/14/2012

Third. Plaintiffs' claims raise the specter of disclosing classified intelligence information in open court. The D.C. Circuit has recognized that "the difficulties associated with subjecting allegations involving CIA operations and covert operatives to judicial and public scrutiny" are pertinent to the special factors analysis. Wilson, 535 F.3d at 710. In such suits, "'even a small chance that some court will order disclosure of a source's identity could well impair intelligence gathering and cause sources to close up like a clam."'1 Id. (quoting Tenet v. Doe, 544 U.S. 1,11 (2005)). And where litigation of a plaintiffs allegations "would inevitably require an inquiry into "classified information that may undermine ongoing covert operations,"\* special factors apply. Wilson, 535 F.3d at 710 (quoting Tenet, 544 U.S. at 11). See also Vance, 2012 WL 5416500 at "8 ("When the state-secrets privilege did not block the claim, a court would find it challenging to prevent the disclosure of secret information.11); Lebron, 670 F.3d at 554 (noting that the "chilling effects on intelligence sources of possible disclosures during civil litigation and the impact of such disclosures on military and diplomatic initiatives at the heart of counterterrorism policy1' are special factors); Arar, 585 F.3d at 576 (holding that the risk of disclosure of classified information is a special factor in the "extraordinary rendition" context).

#### That independently solves WMD use

John Yoo 4, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “War, Responsibility, and the Age of Terrorism,” UC-Berkeley Public Law and Legal Theory Research Paper Series, http://works.bepress.com/cgi/viewcontent.cgi?article=1015&context=johnyoo

Third, the nature of warfare against such unconventional enemies may well be different from the set-piece battlefield matches between nation-states. Gathering intelligence, from both electronic and human sources, about the future plans of terrorist groups may be the only way to prevent September 11-style attacks from occurring again. Covert action by the Central Intelligence Agency or unconventional measures by special forces may prove to be the most effective tool for acting on that intelligence. Similarly, the least dangerous means for preventing rogue nations from acquiring WMD may depend on secret intelligence gathering and covert action, rather than open military intervention. A public revelation of the means of gathering intelligence, or the discussion of the nature of covert actions taken to forestall the threat by terrorist organizations or rogue nations, could render the use of force ineffectual or sources of information useless. Suppose, for example, that American intelligence agencies detected through intercepted phone calls that a terrorist group had built headquarters and training facilities in Yemen. A public discussion in Congress about a resolution to use force against Yemeni territory and how Yemen was identified could tip-off the group, allowing terrorists to disperse and to prevent further interception of their communications.

#### B. Keeps enemies off the battlefield

**McCarthy, 09** – former federal prosecutor and legal affairs editor at the National Review (“What Did We Expect?” NYT, 1/23/09, http://roomfordebate.blogs.nytimes.com/2009/01/23/the-risks-of-releasing-detainees/?\_r=0 //Red)

We are dealing with two ugly realities that mainstream opinion wants to wish away: (a) we are, as President Obama has taken to repeating, “a nation at war,” and (b) the enemy, which means Americans mortal harm, is animated by an ideology firmly rooted in fundamentalist Islam. Unpleasant fact (a) has a corollary: you cannot convert what is in essence a national-security challenge into a mere criminal-justice issue. That is, it never has been and it never will be the case that every enemy operative in a war is going to be a person we will have sufficient evidence to convict in court. In war, **it is necessary to detain people** who are suspected of being enemy operatives, not always provable enemy operatives in a courtroom. The objective in peacetime is to maximize due process and put all burdens of proof on the government before liberty and privacy are infringed — we’d rather see government lose than an innocent be done an injustice. By contrast, the objective in wartime is to defeat the enemy — which calls for recognition that some injustices will be done for the greater good of safeguarding the nation. The excruciating weight of these injustices is why we resist warfare if we can do so responsibly; but once in it, **our security requires that we make winning it our priority.** Unpleasant fact (b) has corollaries, too. Jihadists, as those of us who have dealt with them personally can tell you, are, in the main, incorrigible. We need to try to understand our enemies, something our politically correct culture has systematically prevented by discouraging all discussion of jihadist ideology. We are challenged today by a strain of Islam (and there are many varieties of Islam) which is centuries old and has commanded the allegiance of Muslims from across ethnic, economic and educational lines, many of whom believe in it so strongly they are willing not only to kill but to die for it. The strain represents a minority of the world’s 1.4 billion Muslims, but it is a vibrant and well-funded minority. While only a small percentage supports terrorist methods, many millions more support the ideological goals. The operatives trained in jihadist camps are the hardest of the hardcore. In addition to military instruction they are taught to resist interrogation and given strategies for deceiving their enemies upon capture. They are, moreover, schooled in Western (especially American) civil rights — they know how to play the system if captured. What does this all mean? First, it is the **height of foolishness** to believe you prevail in war and preserve safety by scandalizing the basic elements of war-fighting (like **capturing, holding and interrogating prisoners**) **and affording protections to terrorists who flout all rules protecting civilians.** Second, it is preposterous to think you can avoid the unpleasant task of detaining jihadist operatives in wartime by outsourcing the problem to countries which do not consider our security a priority — much less countries like Saudi Arabia, which is a font of jihadist ideology. Yet, we have done exactly these things. If you want to stop the fierce enemies we are fighting, you need to capture or kill them — **you are not going to indict, transfer or re-educate them into submission.** We need to face up to that fact.

**C. Flexibility**

**Stimson, 11** – Charles, Manager, National Security Law Program and Senior Legal Fellow at Heritage (“Common-Sense Principles for Detainee Policy,” Heritage Foundation, 10/17/11, http://www.heritage.org/research/reports/2011/10/common-sense-principles-for-detainee-policy //Red)

Congress will soon debate proposed detainee legislation. Both the House and Senate have several detainee-related provisions in their versions of the National Defense Authorization Act (NDAA) of 2012—the main funding bill for the Department of Defense for the next fiscal year. And as in years past, this debate promises to be heated. Given the relative broad agreement on the major issues, the proposed legislation focuses on refinements to existing detainee policy. But most of the proposed legislation potentially encroaches on the commander in chief’s executive power under the U.S. Constitution, denies the President needed flexibility, or exists solely because of distrust of this Administration’s wartime detention decisions. Congress should not allow politics to get in the way of prudent detention policy and should work to eliminate those provisions that are unnecessary and disruptive. Reaffirming the AUMF Makes Sense The primary statutory authority for the war against terrorists is the September 18, 2001, Authorization for Use of Military Force (AUMF). It authorizes the President to use “all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.” The AUMF does not define who the enemy is, nor does it mention the words detain or detention. Both the Bush and the Obama Administrations have relied on the AUMF to justify detention of those directly linked to 9/11, al-Qaeda, or those “associated” with or who “substantially supported” the enemy during wartime. The United States government has cited the AUMF in court pleadings as the express legal authority underpinning all post-9/11 combatant detentions. And the U.S. Supreme Court held in Hamdi v. Rumsfeld that the AUMF allowed for the detention of enemy combatants for the duration of hostilities. The 2001 AUMF has not been amended. As combat operations wind down in Afghanistan, it is increasingly likely that some will argue that the AUMF no longer provides a legal justification for continued detention of belligerents held by the U.S. in Guantanamo and elsewhere, despite the fact that **terrorists will continue to threaten the U.S. for the foreseeable future.** Law of war expert Robert Chesney recently testified before Congress on this issue, stating, “This argument may or may not prevail, but one can be certain that it will be raised through a new round of habeas petitions, and it has some chance of succeeding.”[1] Chesney suggested that Congress could consider reaffirming the 2001 AUMF by “directly and explicitly legislat[ing] the authority it wishes for the President to have—i.e. it should provide the requisite detention authority as a matter of domestic law.” Both the House (section 1034) and Senate (section 1031) do just that by reaffirming that the U.S. is engaged in armed conflict with al-Qaeda, the Taliban, and associated forces. Both include express detention authority for the duration of the hostilities.The Senate provision also specifically recognizes the government’s authority to subject appropriate detainees to long-term detention, trial military commissions, transfer for trial to another court, or transfer to the custody or control of a foreign country or entity. These provisions track existing policy and practice and are a codification thereof. Despite claims to the contrary, if enacted, these provisions are not an expansion of the war effort but merely a codification of existing practice. Indeed, an argument can be made that the provisions do not go far enough, as they apply only to al-Qaeda, the Taliban, and “associated forces,” thereby excluding other lethal and emerging terrorist organizations. Given emerging terror threats, Congress would be wise to not only codify existing practice under the AUMF but debate whether the revised AUMF should go further to include other terrorist organizations or individuals engaged in armed conflict against the U.S. Reauthorizing the AUMF makes sense and gives the President express authorization to continue common-sense detention practices well after active combat operations end in Afghanistan. It also has the added benefit of institutionalizing (via legislation) existing practice, which puts future detainee policy and practice on a firmer footing. The Troublesome Proposals The most controversial provision is section 1032 of the Senate NDAA, called the “mandatory military custody” provision. It requires that non-American members of al-Qaeda or “affiliated” entities be held in military custody pending “disposition under the law of war.” Covered persons who are a “participant in the course of planning or carrying out an attack or attempt[ed]” attack are subject to the rule. The Secretary of Defense may waive the requirement if it is in the “national security interests of the United States” and after consulting with two senior officials. As written, the rule can be interpreted to require the FBI, CIA, or other element of the government to immediately capture covered persons and turn them over to the military. Oftentimes, however, the best course of action is to monitor the suspected terrorist, not arrest him. Doing so oftentimes allows officials to gather more intelligence. Given the rule’s **inflexibility**, the Secretary of Defense would likely issue waivers on a routine basis, thus undercutting the very purpose of the law. One renowned detainee policy scholar accurately summarized the flaws of section 1032 by saying that it “**would be profoundly disruptive in the most sensitive operational situations**.”[2] Guantanamo Detainee Transfer Restrictions The House and Senate bills also place restrictions on transfers of detainees from Guantanamo to foreign countries. Each bill allows for a waiver of the transfer restriction for any individual detainee but only if the Secretary of Defense personally “certifies” that doing so would be in the national security interest of the U.S. Although there are slight differences between the bills, the practical effect of both is that it creates an incentive not to transfer additional detainees from Guantanamo to third countries because of the onerous certification requirements. The proposed restrictions exist because of understandable concerns about recidivism and premature, politically motivated transfers. The remedy for those concerns, however, is strict congressional oversight, not legislation. Finally, these restrictions create the incentive not to bring more detainees to Guantanamo, which even this Administration may need to do for a few select, high-value detainees in the future. The Bottom Line Congress should work with the executive branch on detainee legislation. In debating these and other detainee-related provisions, lawmakers should ask this simple question: Does the proposed legislation **support** and respect **the President’s executive power** under the Constitution to prosecute the war as he sees fit, or does it impose inflexible and unnecessary restrictions on him? **To win this long war against terrorists, the President must have the maximum flexibility** to use all tools of national power. Those tools should include—but are certainly not limited to—most decisions regarding the detention, release, transfer, review, and forum for prosecution of the enemy within the bounds of Supreme Court precedent, treaty obligations, the laws of war, and common sense.

#### That’s key to effectiveness

Glenn Sulmasy 9, law faculty of the United States Coast Guard Academy, , Anniversary Contributions: Use of Force: Executive Power: the Last Thirty Years, 30 U. Pa. J. Int'l L. 1355

Since the attacks of 9/11, the original concerns noted by Hamilton, Jay, and Madison have been heightened. Never before in the young history of the United States has the need for an energetic executive been more vital to its national security. The need for quick action in this arena requires an executive response - particularly when fighting a shadowy enemy like al Qaeda - not the deliberative bodies opining on what and how to conduct warfare or determining how and when to respond. The threats from non-state actors, such as al Qaeda, make the need for dispatch and rapid response even greater. Jefferson's concerns about the slow and deliberative institution of Congress being prone to informational leaks are even more relevant in the twenty-first century. The advent of the twenty-four hour media only leads to an increased need for retaining enhanced levels of executive [\*1362] control of foreign policy. This is particularly true in modern warfare. In the war on international terror, intelligence is vital to ongoing operations and successful prevention of attacks. Al Qaeda now has both the will and the ability to strike with the equivalent force and might of a nation's armed forces. The need to identify these individuals before they can operationalize an attack is vital. Often international terror cells consist of only a small number of individuals - making intelligence that much more difficult to obtain and even more vital than in previous conflicts. The normal movements of tanks, ships, and aircrafts that, in traditional armed conflict are indicia of a pending attack are not the case in the current "fourth generation" war. Thus, the need for intelligence becomes an even greater concern for the commanders in the field as well as the Commander-in-Chief.¶ Supporting a strong executive in foreign affairs does not necessarily mean the legislature has no role at all. In fact, their dominance in domestic affairs remains strong. Additionally, besides the traditional roles identified in the Constitution for the legislature in foreign affairs - declaring war, ratifying treaties, overseeing appointments of ambassadors, etc. - this growth of executive power now, more than ever, necessitates an enhanced, professional, and apolitical oversight of the executive. An active, aggressive oversight of foreign affairs, and warfare in particular, by the legislature is now critical. Unfortunately, the United States - particularly over the past decade - has witnessed a legislature unable to muster the political will necessary to adequately oversee, let alone check, the executive branch's growing power. Examples are abundant: lack of enforcement of the War Powers Resolution abound the executive's unchecked invasions of Grenada, Panama, and Kosovo, and such assertions as the Authorization for the Use of Military Force, the USA Patriot Act, military commissions, and the updated Foreign Intelligence Surveillance Act ("FISA"). There have been numerous grand-standing complaints registered in the media and hearings over most, if not all, of these issues. However, in each case, the legislature has all but abdicated their constitutionally mandated role and allowed the judicial branch to serve as the only real check on alleged excesses of the executive branch. This deference is particularly dangerous and, in the current environment of foreign affairs and warfare, tends to unintentionally politicize the Court.¶ The Founders clearly intended the political branches to best serve the citizenry by functioning as the dominant forces in [\*1363] guiding the nation's foreign affairs. They had anticipated the political branches to struggle over who has primacy in this arena. In doing so, they had hoped neither branch would become too strong. The common theme articulated by Madison, ambition counters ambition, n17 intended foreign affairs to be a "give and take" between the executive and legislative branches. However, inaction by the legislative branch on myriad policy and legal issues surrounding the "war on terror" has forced the judiciary to fulfill the function of questioning, disagreeing, and "checking" the executive in areas such as wartime policy, detentions at Guantanamo Bay, and tactics and strategy of intelligence collection. The unique nature of the conflict against international terror creates many areas where law and policy are mixed. The actions by the Bush administration, in particular, led to outcries from many on the left about his intentions and desire to unconstitutionally increase the power of the Presidency. Yet, the Congress never firmly exercised the "check" on the executive in any formal manner whatsoever.¶ For example, many policymakers disagreed with the power given to the President within the Authorization to Use Military Force ("AUMF"). n18 Arguably, this legislation was broad in scope, and potentially granted sweeping powers to the President to wage the "war on terror." However, Congress could have amended or withdrawn significant portions of the powers it gave to the executive branch. This lack of withdrawal or amendment may have been understandable when Republicans controlled Congress, but as of November 2006, the Democrats gained control of both houses of the Congress. Still, other than arguing strongly against the President, the legislature did not necessarily or aggressively act on its concerns. Presumably this inaction was out of concern for being labeled "soft on terror" or "weak on national security" and thereby potentially suffering at the ballot box. This virtual paralysis is understandable but again, the political branches were, and remain, the truest voice of the people and provide the means to best represent the country's beliefs, interests, and national will in the arena of foreign affairs. It has been this way in the past but the more recent (certainly over the past thirty years and even more so in the past decade) intrusions of the judicial branch into what [\*1364] was intended to be a "tug and pull" between the political branches can properly be labeled as an unintended consequence of the lack of any real legislative oversight of the executive branch.¶ Unfortunately, now nine unelected, life-tenured justices are deeply involved in wartime policy decision making. Examples of judicial policy involvement in foreign affairs are abundant including Rasul v. Bush; n19 Hamdi v. Rumsfeld; n20 Hamdan v. Rumsfeld; n21 as well as last June's Boumediene v. Bush n22 decision by the Supreme Court, all impacting war policy and interpretation of U. S. treaty obligations. Simply, judges should not presumptively impact warfare operations or policies nor should this become acceptable practice. Without question, over the past thirty years, this is the most dramatic change in executive power. It is not necessarily the strength of the Presidency that is the change we should be concerned about - the institutional search for enhanced power was anticipated by the Founders - but they intended for Congress to check this executive tendency whenever appropriate. Unfortunately, this simply is not occurring in twenty-first century politics. Thus, the danger does not necessarily lie with the natural desire for Presidents to increase their power. The real danger is the judicial branch being forced, or compelled, to fulfill the constitutionally mandated role of the Congress in checking the executive.¶ 4. PRESIDENT OBAMA AND EXECUTIVE POWER¶ The Bush presidency was, and continues to be, criticized for having a standing agenda of increasing the power of the executive branch during its eight-year tenure. Numerous articles and books have been dedicated to discussing these allegations. n23 However, as argued earlier, the reality is that it is a natural bureaucratic tendency, and one of the Founders presciently anticipated, that each branch would seek greater powers whenever and wherever possible. As the world becomes increasingly interdependent, technology and armament become more sophisticated, and with [\*1365] the rise of twenty-first century non-state actors, the need for strong executive power is not only preferred, but also necessary. Executive power in the current world dynamic is something, regardless of policy preference or political persuasions, that the new President must maintain in order to best fulfill his constitutional role of providing for the nation's security. This is simply part of the reality of executive power in the twenty-first century. n24

#### D. Legal model

**Bolton, 11** – Former US Representative to the UN (“John Bolton on Law, "International Law," and American Sovereignty,” AEI, 1/11/11, http://www.aei.org/article/foreign-and-defense-policy/terrorism/john-bolton-on-law-international-law-and-american-sovereignty/ //Red)

Thus, reflecting the law-enforcement approach, Obama rapidly ordered the closure of the Guantanamo Bay terrorist detention facility and either the release of those still detained or their transfer to the United States. He also pushed to abandon "enhanced interrogation" techniques and insisted upon trying as many terrorists as possible in civilian courts, under ordinary criminal law procedures rather than in military tribunals. This mindset's strong ideological roots reflect the administration's fundamental acceptance of leftist conventional wisdom on international law. Under this view, for Obama, closing Gitmo is not just good policy but, more importantly, "norms" America with international opinion on handling terrorists. Why we should defer to **international norms on terrorism is**, to say the least, **unclear.** The U.N. has repeatedly tried and failed to reach a comprehensive definition of terrorism. Its continuing inability to agree on something so fundamental helps explain why the U.N., particularly the Security Council, has been **AWOL in the war on terrorism**, and why international norms should not dissuade us even slightly from legitimate self-defense efforts. Unfortunately, mishandling the war against terrorism doesn't end with **distorting the correct legal and political paradigms to combat it.** The Obama administration has broader ambitions as well, including an ill-concealed desire to join the International Criminal Court (ICC). Although billed as a successor to the Nuremberg tribunals, the ICC, in fact, amounts to a giant opportunity to second-guess the United States and the actions we take in self-defense. The ICC's enormous potential prosecutorial power awaits only the opportunity to expand almost without limit.

#### Lost cases embolden terrorism

Jack Goldsmith 06, a law professor at Harvard, and Eric A. Posner, a law professor at the University of Chicago, 8/4/06, “A Better Way on Detainees,” http://www.washingtonpost.com/wp-dyn/content/article/2006/08/03/AR2006080301257.html

Everyone involved in the contentious negotiations between the White House and Congress over the proper form for military commissions seems to agree on at least one thing: that al-Qaeda and Taliban terrorists ought to be prosecuted. We think this assumption is wrong: Terrorist trials are both unnecessary and unwise.¶ The United States holds more than 400 terrorism suspects at Guantanamo Bay, and 500 or so more at Bagram air base in Afghanistan. Five years after the Sept. 11 attacks, it has announced plans for military trials for only 10 of these detainees. The 10 do not include the al-Qaeda leaders in U.S. custody or the numerous small fry who served as foot soldiers for al-Qaeda or the Taliban. They are, at best, medium-fry terrorists.¶ Why only 10? Because it is difficult to try terrorists in this war. For most detainees, the government lacks evidence of overt crimes such as murder. It can prosecute these detainees only for the vague and problematic crime of conspiracy to commit a terrorist act based on membership in and training with al-Qaeda or the Taliban. Beyond this problem, witnesses are scattered around the globe, and much of the evidence is in a foreign language, or classified, or hearsay -- in many cases all of these things.¶ Even if these obstacles are overcome, the prosecution of Zacarias Moussaoui shows that trials of political enemies are more difficult, more time-consuming and, in the end, more circuslike than an ordinary criminal trial. The defendant or his lawyers will use a trial not to contest guilt but rather to rally followers and demoralize foes.¶ These are some of the reasons the Bush administration sought to use military commissions with fewer procedural protections than ordinary trials. But commissions have proved politically and legally difficult to implement. Even if they can be made to work, skeptics will still regard them as kangaroo courts.¶ There is a better and easier way to deal with captured terrorists. The Supreme Court has made clear that the conflicts with al-Qaeda and the Taliban are governed by the laws of war, and the laws of war permit detention of enemy soldiers without charge or trial until hostilities end. The purpose of wartime detention is not to punish but to prevent soldiers from returning to the battlefield. A legitimate wartime detainee is dangerous, like a violent mental patient subject to civil confinement, and that is reason enough to hold him. This has been the legal justification for terrorist detentions to date, and it will almost certainly be the basis for future detentions.¶ The main concern with military detentions is that the war will last a long time, perhaps indefinitely. If so, detention could mean a life sentence. We don't yet know whether this concern is warranted. But there are several ways to assure Americans and the world that the system is as fair and humane as circumstances permit.¶ Congress should require a rigorous process for determining the status of enemy combatants that includes some form of representation for the detainee. It should establish periodic review, perhaps yearly, to determine whether the detainee remains dangerous and thus warrants continued detention. It should insist that detainees live in genuinely humane conditions appropriate for very long-term detention. And it should urge the president to endeavor to transfer detainees to their home countries when feasible, and with appropriate human rights guarantees.¶ The executive branch has already introduced many elements of this system. With congressional blessing and amplification, the system will appear more legitimate and will better withstand judicial and public scrutiny.¶ Such a system will not assuage the complaints of those, especially our allies, who reject the military model for terrorism and abhor long-term detention without trial. But Congress and the president have consistently endorsed the military model since Sept. 11. And our allies have not proposed a better system than military detention that both ensures American security and respects human rights. Politicized trials would do little more to address these concerns of our allies, and we have no feasible alternative to military detention for most terrorists in custody.

## politics

### impact

Counterplan -

The President of the United States should substantially increase lobbying and persuasion efforts, using available political resources, on behalf of Congressional enactment of Trade Promotion Authority.

#### This means TPA will pass but it will be a tough fight

**Politi, 2/10/14** (James, Financial Times, “Trade: Pacts of strife”

<http://www.ft.com/intl/cms/s/0/c1254a20-8ff3-11e3-aee9-00144feab7de.html>

But that vision is colliding with a sobering domestic reality. Passing big trade bills though Congress has always been difficult, relying on a coalition of a majority of pro-business Republicans and a strong minority of Democrats willing to buck their base. The first part of that equation is shakier than usual, with Tea Party and conservative Republicans shying away from giving Mr Obama any victory. Securing the second part remains a big challenge.

Obama administration officials – including cabinet members, Mr Froman and the White House chief of staff – have stepped up efforts to stoke political momentum for trade on Capitol Hill. According to people familiar with the meetings, the president made strong pitches in favour of his trade agenda at private gatherings of congressional Democrats last week. But many believe he will have to do a lot more private arm-twisting and even deliver some high-profile speeches on trade to the American public if he really wants to change the political dynamic in his favour.

“If the president wants to get these trade deals done . . . he is going to have to work harder to pick up Democratic votes,” says Jim Manley, a former senior aide to Mr Reid. “People up for [re-election] in 2014 don’t want to deal with this, and many rank-and-file Democrats have a hard time supporting trade deals that may lead to job losses at home.”

Despite Mr Reid’s comments, there is a path to congressional approval of trade legislation to which optimists can point. A bipartisan fast-track bill introduced last month by Max Baucus, a Democratic senator, and Orrin Hatch, a Republican senator, is on hold because of Mr Baucus’s looming departure to become ambassador to Beijing. Ron Wyden, Mr Baucus’s successor as Senate finance committee chairman, may well want to make a few changes to the legislation to make it more palatable to the Democratic base. But if he succeeds, the finance committee could vote to advance it, sending it to Mr Reid and putting pressure on him to at least bring it to the floor for a final vote. At that point the business community lobbying would kick into gear and help carry the legislation over the finishing line.

For now, however, that scenario seems a long way away, and the phones in the congressional offices of moderate Democrats such as Mr Delaney are ringing with antitrade messages. It seems natural for a lawmaker in that position to hold fire on the subject – even if it keeps the global trade agenda in limbo. “ I come to this with a certain perspective, of someone who believes in trade. But that doesn’t mean I’m a rubber stamp for any agreement,” Mr Delaney says.

#### **Plan’s a perceived loss – that causes Obama’s allies to defect**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### That means Obama won’t win on trade

**McLarty, 2/2**/14 - Thomas F. "Mack" McLarty was chief of staff to President Bill Clinton during the NAFTA ratification fight. Nelson W. Cunningham was also a Clinton White House aide (“A Critical Test of Leadership” Huffington Post, <http://www.huffingtonpost.com/thomas-f-mclarty/a-critical-test-of-leader_b_4705623.html>

In his State of the Union address last week, President Obama took a good first step in asking Congress to provide the tools he needs to close two of the most ambitious trade deals in U.S. history. But he faces an immediate challenge from within his party that could imperil negotiations, with huge stakes for the U.S. globally and for our economy at home.

At issue is Trade Promotion Authority (TPA), which allows the president to send a trade agreement to Congress for an up-or-down vote, without amendments. Many Republicans reflexively oppose granting any request from the administration. But the biggest opposition is coming from Democrats skeptical of the value of free trade.

The day after the president's address, Senate Majority Leader Harry Reid said he opposed "fast track" authority. His remarks revealed the depth of a gulf among Democrats over trade, and sparked new criticism from Republicans as a sign that the president's party couldn't be lined up behind a major administration initiative.

For President Obama, this is a critical test of his leadership. Can he muster enough support for his trade agenda within his own party, and then assemble a bipartisan majority in both houses of Congress? Failure would be a great setback for U.S. prestige internationally, and a dismal signal for the president's remaining three years in office.

We've seen this movie before -- and it didn't end well. The last Democratic president to seek fast track authority on trade was Bill Clinton in 1997. The effort collapsed when then House Speaker Newt Gingrich was unable to marshal his Republican majority. It was an opportunity lost, ending a period of bipartisan cooperation on trade and stalling momentum created a few years earlier by the North American Free Trade Agreement.

Repeating this history would be a mistake, especially as our economy struggles to create good jobs at high wages. But the president faces an uphill battle. Now is the moment for Democrats to pause and take full measure of the stakes involved in opposing fast track. It's time for Republican supporters of trade to rally. And it is essential that the president and his cabinet exert persistent, focused leadership to persuade the skeptics.

President Obama deserves much credit for advancing the most far-reaching trade agenda in a generation. The administration is nearing the finish line in negotiations of the Trans Pacific Partnership, an agreement with 11 Pacific Rim nations, including Japan and perhaps South Korea and others. Simultaneous talks are underway between the United States and the European Union over the Transatlantic Trade and Investment Partnership -- creating an economic NATO and the largest liberalized trade zone in the world.

Together, the agreements would lower barriers in markets accounting for more than 60 percent of the global economy.

Neither negotiation would survive a failure to renew Trade Promotion Authority, which expired in 2007. TPA reassures our negotiating partners that they will not agree to difficult concessions only to see Congress later force unilateral changes. Under TPA, Congress establishes negotiating goals and must be regularly consulted by the president. In exchange, Congress promises an up-or-down vote without amendment. No major trade legislation has passed Congress in decades without it.

President Clinton knew that because trade was so hard, its support had to be bipartisan. To push for NAFTA, he assembled a high-profile war room in the White House, led by a prominent Democrat, Bill Daley, and former Republican Congressman Bill Frenzel. The president worked members tirelessly. The bill eventually passed with 102 Democratic and 132 Republican votes, and a similarly bipartisan total in the Senate. By contrast, the 1997 effort to renew fast-track authority lacked that high-profile White House push -- helping seal its doom.

Over the last decades, global trade has proven essential to building employment and reducing inequality at home. One of every five jobs in the United States is tied to exports. More significantly for the long run, 95 percent of the world's customers live outside our borders. While many Americans have concerns about free trade, they say the benefits of U.S. involvement in the global economy outweigh the risks (by a 2-1 margin in a poll last month by the Pew Research Center).

Even so, last fall 151 House Democrats signed a letter expressing their opposition to granting President Obama Trade Promotion Authority. Almost three dozen House Republicans followed suit. When the bill to renew TPA was introduced earlier this month, a number of Democratic Senators announced their opposition. They have now been joined by Sen. Reid.

The warning signs are clear, but so is the path forward. Now is the time for a full-court press from the White House. President Obama should be clear about the imperative of TPA and make the strong case for trade as a catalyst for job growth. Then he must press his cabinet to the task. Ambassador Froman is a skilled negotiator and advocate. His cabinet colleagues include many effective proponents of free trade and international engagement, including Secretary of State John Kerry, Treasury Secretary Jack Lew, and Commerce Secretary Penny Pritzker.

Without a concerted effort, TPA may well fail, embarrassing us abroad, casting a shadow on the president's second term and hurting our economy in the long run. Why not instead show America and the world that the president and Congress, including leaders of his own party, can work together?

TPA key to trade leadership and global security

Riley-Senior Analyst Trade Policy, Heritage-4/16/13

Bryan Riley is Jay Van Andel Senior Analyst in Trade Policy and Anthony B. Kim is a Senior Policy Analyst in the Center for International Trade and Economics at The Heritage Foundation.

Senior Analyst in Trade Policy

Trade Promotion Authority (TPA) has been a critical tool for advancing free trade and spreading its benefits to a greater number of Americans. TPA, also known as “fast track” authority, is the legislative power Congress grants to the President to negotiate reciprocal trade agreements. Provided the President observes certain statutory obligations under TPA, Congress agrees to consider implementing those trade pacts without amending them. More than a decade has passed since TPA was last renewed in 2002, and its authority expired in 2007. Reinstituting TPA may well be the most important legislative action on trade for both Congress and the President in 2013 given the urgency of restoring America’s credibility in advancing open markets and securing greater benefits of two-way trade for Americans. As the case for timely reinstallation of an effective and practical TPA is stronger than ever, the quest for renewing TPA should be guided by principles that enhance trade freedom, a vital component of America’s economic freedom. Emerging TPA Renewal Debates Both House Ways and Means Committee chairman David Camp (R–MI) and Senate Finance Committee chairman Max Baucus (D–MT) have announced plans to pursue TPA legislation. However, many lawmakers have correctly pointed out that a proactive push from President Obama is critical, given that trade bills have been a thorny issue for many Democrats in recent years. Historically, it has been common practice, although not formally required, to have the President request that Congress provide renewed TPA. In fact, except for President Obama, every President since Franklin Roosevelt has either requested or received trade negotiating authority.[1] After four years of informing Congress it would seek TPA at “the appropriate time,” early this year the Obama Administration finally indicated its interest in working with Congress to get TPA done. The President’s 2013 trade agenda offered the Administration’s most forward-leaning language yet, specifying that “to facilitate the conclusion, approval, and implementation of market-opening negotiating efforts, we will also work with Congress on Trade Promotion Authority.”[2] In the 2002 Bipartisan Trade Promotion Authority Act, Congress—whose role in formulating U.S. trade policy includes defining trade negotiation objectives—made it clear that [t]he expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity.… Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.[3]

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner 2008

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### AT: Permutation – do both

#### TPA requires all of Obama’s political capital – historically trade votes are razor thin

**Wallach, 1/13/14** - Director, Public Citizen's Global Trade Watch (Lori, “Corporate Lobby Cheers Controversial Fast Track Bill” <http://www.huffingtonpost.com/lori-wallach/corporate-lobby-cheers-co_b_4591102.html>

Passing Fast Track in the first half of 2014 before lawmakers' attention turns to midterm elections would require a full court press by President Obama in addition to the massive corporate campaign that is already gearing up. How Obama handles Fast Track in his State of the Union address will be one sign of whether such a White House campaign is forthcoming.

Proponents of the Camp-Baucus Fast Track bill are trying to reanimate the moldering corpse of Fast Track past by highlighting the bill's inclusion of some new negotiating objectives for trade pacts not found in the 2002 Fast Track. But the underlying Fast Track process included in the bill ensures that these objectives are entirely unenforceable. So, inclusion of the most wonderful negotiating objectives means nothing. Not that the new ones are wonderful.

The real is that under Fast Track, whether or not the president obtains the listed negotiating objectives, the Camp-Baucus bill would empower the president to sign a trade pact before Congress votes on it, with a guarantee that the executive branch could write legislation to implement the pact and alter wide swaths of existing U.S. law, obtaining both House and Senate votes within 90 days. That legislation would not be subject to markup and amendment in committee, all amendments would be forbidden during floor votes and a maximum of 20 hours of debate would be permitted in the House and Senate.

Indeed, Democratic and GOP presidents alike have historically ignored negotiating objectives included in Fast Track. The 1988 Fast Track used for the North American Free Trade Agreement (NAFTA) and the establishment of the World Trade Organization (WTO) included a negotiating objective on labor standards, but neither pact included such terms. The 2002 Fast Track listed as a priority the establishment of mechanisms to counter currency manipulation, but none of the pacts established under that authority included such terms.

Congress' willingness to support Fast Track has also declined markedly because "trade" agreements have increasingly invaded Congress' domestic policymaking prerogatives. The TPP includes chapters on patents, copyright, financial regulation, energy policy, procurement, food safety and more -- it would constrain the policies on these matters that Congress and state legislatures could maintain or establish. Fast Track is outdated 1970s technology being applied to 21st century pacts.

Prior to Fast Track and starting with Franklin Roosevelt's presidency, Congress gave Tariff Proclamation Authority (TPA) to presidents. But it covered only tariffs, not the broad subject matter included under Fast Track. The mechanism allowed the executive branch to implement reciprocal tariff cuts only within bounds set by Congress. Notably, this "TPA" was entirely different than Fast Track, which is sometimes called Trade Promotion Authority (TPA), as it pertained only to tariffs. (Public Citizen's 2013 book, "The Rise and Fall of Fast Track Trade Authority," provides an in-depth history of Fast Track and U.S. trade authority.)

Due to Fast Track's controversy, President George W. Bush spent two years and extraordinary political capital to obtain the 2002-2007 Fast Track grant, which passed a Republican-controlled House by one vote and expired in 2007.

#### Capital’s not just about bargaining – it’s about focus – the plan’s expenditure of capital prevents Obama from maintaining a consistent message on TPA and it means he’ll lose the ability to ask for favors

**Moore, 9/10/13 -** Guardian's US finance and economics editor.(Heidi, “Syria: the great distraction” The Guardian, <http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester>)

Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.

#### The counterplan unites Obama’s push for TPA which makes success likely---the plan and permutation divide Democrats

NYT 2-16 – New York Times, 2/16/14, “Global Trade Talks Threaten Obama’s Longtime Balancing Act,” http://www.nytimes.com/2014/02/17/us/politics/global-trade-talks-threaten-obamas-longtime-balancing-act.html?\_r=0

Aficionados liken trade expansion to riding a bicycle: If it does not move forward, it tips over. Under President Obama, the bicycle has wobbled.

But it has not fallen. Whether Mr. Obama can keep that from happening, while juggling competing priorities, is a big question mark over his second-term economic and foreign policy agenda.

He plainly wants to achieve the Trans-Pacific Partnership deal that the United States is currently negotiating with Asian countries and, less urgently, a separate pact with the European Union. Both hold the promise of accelerating global economic growth, which has been sluggish.

But they conflict with another, more immediate political goal: to preserve unity among fellow Democrats. Many of them believe that those deals would undercut efforts to narrow income inequality and therefore complicate the party’s campaign for midterm House and Senate elections.

Those competing pressures have come into sharper focus lately. Mr. Obama plans to travel to Asia in April, by which time his administration hopes to have Trans-Pacific Partnership talks all but wrapped up.

However, Democratic leaders in Congress have openly rejected legislation Mr. Obama wants that would smooth the path for those deals.

Not only has the president declined to challenge them, but Vice President Joseph R. Biden Jr. last week acknowledged in a meeting with Democratic lawmakers that “local political priorities” prevented action on the legislation now.

That balancing act has marked Mr. Obama’s approach since 2008. Courting union voters who blame globalization for stagnant wages, Obama the candidate spoke of renegotiating the North American Free Trade Agreement. Then, as president, he dropped the idea.

He won approval, on revised terms, of agreements with Colombia, Panama and South Korea that he inherited from the George W. Bush administration. But new trade deals took a back seat to economic recovery, Wall Street regulation and health care during his first term.

Global trade talks through the World Trade Organization, which began in 2001 and stalled during the Bush administration, continued to languish. Critics faulted the administration for lukewarm commitment at the expense of growth and expanded exports.

“It’s a major problem for global economies that the multilateral trading system is stuck in the mud,” said Susan Schwab, who served as Mr. Bush’s trade representative.

“President Obama is playing catch-up on trade,” added James Bacchus, a Democratic former congressman and trade official under President Jimmy Carter.

Mr. Obama’s trade representative, Michael Froman, disputes that Mr. Obama has played down the issue.

In December, W.T.O. talks in Bali produced a modest accord to cut red tape. The next month, the United States and major trading partners decided to seek agreement on free trade of environmentally friendly “green goods.”

Together with the potential Asian and European deals, it represents “among the most ambitious trade agendas in history,” Mr. Froman said in an interview.

Mr. Obama has, however, allowed the window for achieving it to narrow. Though he called on Congress to enact “Trade Promotion Authority” in his State of the Union address, he has not pressed for action as vigorously as on other issues like raising the minimum wage.

The House Democratic leader, Nancy Pelosi, and her Senate counterpart, Harry Reid, have both waved off his request for this year. Mr. Obama picked a leading Democratic trade advocate, retiring Senator Max Baucus of Montana, as his new ambassador to China. The maneuver was designed in part to increase Democrats’ chances of holding Mr. Baucus’s seat.

Presidents value the Trade Promotion Authority because it forces Congress to vote up or down on trade deals, shielding them from House and Senate amendments at the behest of corporations, unions, environmental groups or other interests. It also helps negotiating partners conclude agreements by clarifying the United States’ bottom line.

“Unless the administration has T.P.A., it’s not an endgame,” said Joshua Meltzer, a trade scholar at the Brookings Institution and a former Australian trade official.

As a fallback strategy, Mr. Obama and his aides now aim to flip that dynamic around. They hope to persuade lawmakers to grant that authority after midterm elections by showing them a tentative Asia deal.

That would leave little time for action before the 2016 presidential primary season — which, if 2008 is any guide, will probably amplify Democratic resistance.

The stakes for Mr. Obama extend beyond the economy. The Trans-Pacific Partnership represents a central element of his attempt to “pivot” American foreign policy toward Asia and its growing power.

His challenge is a mirror image of the one facing Republicans on immigration. Republican presidential aspirants feel pressure to court Hispanic voters that many House members and senators, because of the contours of their constituencies, do not.

Two decades ago, President Bill Clinton established trade expansion as a tenet of efforts by modern Democrats to promote growth and court the support of businesses. He won over enough intraparty allies to join with Republican backers and win passage of Nafta as well as admit China to the W.T.O. (Mr. Clinton waited to embrace Nafta until after the 1992 Democratic primaries, however, in deference to the same intraparty pressures Mr. Obama faces now.)

That could happen again before Mr. Obama leaves office. Mr. Reid, the Senate majority leader, will not feel the same imperative to block a president of his party after the battle to preserve Democrats’ Senate majority has concluded.

But like Republicans whose gerrymandered districts have few Hispanic voters, many union-friendly House Democrats heed different voices than presidents do. They insist that trade expansion keeps squeezing low-income workers through escalating competition with cheaper foreign labor.

Mr. Obama “wants to battle the plague of income inequality and he wants to expand the Nafta model,” David E. Bonior, a former House Democratic whip, wrote last month in The New York Times. “But he cannot have it both ways.”

The White House insists he can. But bucking that resistance, as Mr. Clinton did, would require a stronger presidential push.

### AT: Intrinsicness

#### the ‘logical policymaker’ model is educationally bankrupt – policymakers aren’t logical, it’s not real world, decisions are always political and votes need to be bought – especially on trade

Beckman and **McGann 2008** – \*Assistant Professor of Political Science at the University of California, Irvine, \*\*Associate Professor of Political Science at the University of California, Irvine and Reader in Government at the University of Essex (Matthew N. Beckmann and Anthony J. McGann, Journal of Theoretical Politics, “Navigating the Legislative Divide: Polarization, Presidents, and Policymaking in the United States”)

A second question focuses on presidents’ role in polarized politics. Even as empiricists have cited presidents as key legislative players – in agenda setting as well as coalition building (Rossiter, 1956; Neustadt, 1960; Covington, 1987, 1988; Sullivan, 1988, 1990; Edwards, 1989; Bond and Fleisher, 1990; Peterson, 1990; Covington et al., 1995; Cameron, 2000; Edwards and Barrett, 2000) – to date the theoretical models have largely conﬁned presidents to a reactive role, that of a veto player.7 Below we incorporate presidents as strategic players into the theoretical models of lawmaking when proactively promoting preferred policies. In doing so, we not only specify elements of this strategy but also examine the conditions under which they will be effective. Finally, what does this mean for the policies that the president ultimately signs into law? The foremost implication of the preference-based models is that all congressional paths funnel toward the center of congressional members’ preferences. But listening to the Capitol’s so called ‘centrists’ suggests federal laws frequently deviate from their preferences. Seemingly pivotal lawmakers regularly pronounce a bittersweet assessment of their chamber’s products – better than nothing but far from ideal. Our ﬁnal question, therefore, examines whether all lawmaking involves moves toward the center of the ideological spectrum or whether some conditions enable presidents to pull outcomes away from the philosophical middle and toward the ideological extreme.

Overcoming the Ideological Divide

To this point it has been argued that polarization tends to promote gridlock. Partisan polarization does so inasmuch as it encourages lawmakers to put posturing ahead of negotiating, and ideological polarization does so inasmuch as it reduces the range of issues where pivotal voters can agree to pass any new law over the status quo. Here we build from this theoretical baseline to examine the effect of incorporating two important stylistic features: presidents and polarization. The Wellsprings of Presidential Power In his seminal work on the presidency, Richard Neustadt (1960) cited the ofﬁce’s informal levers of power – not its constitutional levers of power – as central to understanding presidents’ role in American politics generally, and federal lawmaking in particular. For Neustadt, these informal powers were rooted in the presidency’s unrivaled perspective and prestige; for Sam Kernell (1993), they stem from presidents’ unique capacity to rally public pressure against otherwise recalcitrant lawmakers (see also Canes-Wrone, 2005). And beyond personal persuasion and ‘going public’, presidents and their aides also enjoy a distinct ability to engage in what political scientists call vote-buying and Washington insiders call ‘horse-trading’.8 Whatever the president’s tactical choice – private persuasion, public pressure, or vote buying – they all ﬁt under the same strategic umbrella; each reﬂects the president’s allocation of president-controlled resources to alter lawmakers’ positions. As such, we employ the omnibus concept of ‘presidential political capital’ to capture this class of presidential lobbying. More precisely, we deﬁne presidents’ political capital as the resources White House ofﬁcials can allocate to induce changes in lawmakers’ position on roll-call votes.9 This deﬁnition of presidential political capital comports well with previous scholarship (e.g. Groseclose and Snyder, 1996) as well as contemporaneous accounts of White House lobbying. For example, after watching the administration’s recent effort before a vote on an important trade bill, the next-day’s Washington Post article described the situation: So many top Bush administration ofﬁcials were working the Capitol last night that Democrats joked that the hallways looked like a Cabinet meeting . . . The last-minute negotiations for votes resembled the wheeling and dealing on a car lot . . . Members took advantage of the opportunity by requesting such things as fundraising appear- ances by Cheney and the restoration of money the White House has tried to cut from agriculture programs. (Blustein and Allen, 2005: s. A) Nearly 20 years earlier, Ronald Reagan’s OMB 251), described a similar scene: ‘The last 10 percent or 20 percent of the votes needed for a majority of both houses on the 1981 tax cut had to be bought, period’. Applying the well-known vote-buying models (see Snyder, 1991; Groseclose, 1996; Groseclose and Snyder, 1996) to this setup, we show how presidents can strategically target their political capital to legislators to the end of inﬂuencing lawmakers and the policies they pass. From there we incorporate polarization into the model to show how it conditions the president’s inﬂuence.

The Basic Model

To start, let us consider a simple vote-buying game. There are two types of players: a president who seeks to buy votes such that the Senate passes legisla- tion more to his liking than it otherwise would, and senators, who must balance the utility they derive from voting in line with their default ideal with the beneﬁts that the president offers. Hence we assume that the legislative outcome can be described as a point on the Real number line. The president’s utility function is: Up = Aðo, pÞ − B where o is the outcome, p is the president’s ideal point and B is the sum of poli- tical capital the president spends. Let us assume that p ≥ o ≥ status quo (i.e., that the president wishes to move the outcome to ‘the right’.) Furthermore, assume that A (o, p) is a function of the distance between the outcome and presi- dent’s ideal – increasing as the outcome (o) approaches his ideal (p). The utility function of a senator is a function of whether they vote yea or nay, and whether they support the proposal sufﬁciently to vote for it absent any presi- dential pressure or bribe: If si ≤ o: Yea: Ui = Ci ðo, si Þ + bi Nay: Ui = 0 If si ≥ o Yea: 0 Nay: −Ci ðo, si Þ + bi where bi is the political capital offered to each individual senator, si is the sena- tor’s ideal point and C (o, si Þ is a function of the distance between o and s i – with senators’ utility increasing as the distance between the outcome and their ideal decreases. One interpretation of senators’ ideal points is the most extreme outcome a senator will support without a bribe. Senators for whom si ≥ o will support proposal o without being lobbied, and indeed would have to be lobbied not to support it, whereas senators for whom si < o will not vote for proposal o unless the president expends some political capital on them. Like Groseclose and Snyder (1996), we assume senators derive utility from their revealed prefer- ence over policies, not just the outcome. As a ﬁrst point, it is worth stating the obvious: the greater the president’s political capital, the greater his ability to inﬂuence legislators’ votes. If bi = 0 – either because the president chose not to get involved or because he lacks political capital to spend – then the White House is limited to the familiar role of veto bargaining (see Cameron, 2000). Indeed, when unwilling or unable to spend the political capital that presidential lobbying demands, the president and his team cannot push a proactive legislative agenda. By contrast, as bi increases, the administration’s ability to ply any particular member increases, thereby granting presidents a positive role in the policymaking process.

### 2nc uniqueness CP solves

#### political price­

**Pearson, 3/19/14 -** senior fellow at the Cato Institute’s Herbert A. Stiefel Center for Trade Policy Studies (Daniel, “The Obama Administration’s Trade Agenda Is Crumbling” <http://www.cato.org/publications/free-trade-bulletin/obama-administrations-trade-agenda-crumbling>)

The Way Forward for Supporters of Trade Liberalization

Those who support further negotiations to liberalize global markets have every right to be disappointed that seven years have elapsed since U.S. negotiators last had fast track authority. The trade-policy tide has been flowing the other way, pushed along by voices that often seem to have little interest in promoting economic growth, and even less interest in presenting arguments that are based on sound analysis. Pro-trade organizations appear eager to engage in a strong and sustained lobbying effort on behalf of the Baucus-Hatch-Camp bill, if it becomes clear that the administration is seriously committed to obtaining fast track. It is to be hoped that 2014 will turn out to be a year of progress. However, that depends almost entirely on decisions that the Obama administration must make.

But what if the decision to press forward never comes? What if the potential to expand trade in the final years of the Obama administration slips away? Then it will be time for proponents of liberalization to take the long view. It should be seen as an opportunity to lay the groundwork for a meaningful trade agenda that could begin to unfold in 2017. Any incoming administration — either Democratic or Republican — is likely to be more inclined toward free trade than the current crew.

It’s unclear whether nations negotiating the TPP would be willing to wait three years until the United States gets its act together. Although possible, it probably is unlikely that they would conclude an agreement without the United States. Assured access to the U.S. market is valuable to many countries, so a version of TPP that doesn’t include the world’s largest economy is worth less to them. Those countries also must deal with their internal politics; their governments might change before any agreement can be finalized. The future of TPP is quite uncertain.

TTIP may have a better chance of surviving an extended hiatus. The term of the new European Commission that will take office later this year will extend well into the next U.S. presidential term. So, if the incoming commissioners like the concept of TTIP, they have a chance of being able to make it happen before they leave office. However, that may be counterbalanced by the European Parliament, which some observers expect to become more populist and anti-trade following the upcoming election in May. The EU’s commitment to TTIP may be strengthened by having a U.S. partner that truly is ready to move forward.

Supporters of trade liberalization should actively make the case for freer trade during the years in which the U.S. government is on the sidelines. Domestic audiences need to hear the positive side of the story. Foreign audiences may benefit by seeing that responsible parties are working to reposition the United States to play a leadership role on global trade policy in the future.

Some basic messages have resonated from the time of Adam Smith and David Ricardo. Among them:

All resources are scarce; thus, all have value. Open and competitive markets do a wonderful job of making sure that scarce resources are put to their best and highest uses. Border restrictions complicate the operation of markets and impose costs on producers and consumers.

Comparative advantage still works in the 21st century. Countries and people are relatively better at doing some things than others. People should be encouraged to focus on things they do well, and then trade to obtain other goods and services.

People need to be free to buy from and sell to whomever they choose. Freedom of commerce is a fundamental human right. Any governmental restriction on that right must only be imposed when essential to serve an important societal objective, and must be structured to minimize limitations to individual liberty.

Imports are good. They help to ensure that consumers are able to benefit from a wide variety of competitively priced items, thus expanding consumer choice and helping to raise living standards. They also provide world-class competition for domestic manufacturers, stimulating innovation and product improvements.

Exports also are good. They are needed in order to pay for desired imports. And, since comparative advantage means that all nations are relatively better at doing some things than others, countries have an obligation to allow their surplus products to be exported so that others will be able to buy them.

Both imports and exports create jobs. Economic activity that doesn’t cross borders also creates jobs. All productive economic activity is good. Having more of it is better.

Pro-trade organizations ought to present these and other arguments actively as they work on behalf of liberalization. It would be a mistake to retreat until a more supportive administration appears. There is little doubt that less-thoughtful views would fill the vacuum. Despite the fact that the pro-trade team is on the side of economic growth and opportunity, it has been losing the contest for people’s hearts and minds. It may be tempting to blame the other side for not playing fair, but the more constructive approach is to redouble efforts to help people understand that freer trade is good for the United States and good for the world.

Conclusion

The administration faces difficult choices. It should promptly sort out whether it is willing to bear the political costs of obtaining fast-track authority. If so, it must put together a credible plan for overcoming substantial opposition and begin to work toward achieving successful votes in Congress. If not, it should advise its partners in the TPP and TTIP negotiations that concluding those agreements will take a long time — likely stretching into the next U.S. administration — thus allowing those countries to make pragmatic decisions about how and whether to proceed.

In short, it is still theoretically possible for the administration to salvage its trade agenda. In practice, however, the political price of trying to do so is most likely to prove too high.

#### Prefer our 1nc McLarty evidence – he was a former chief of staff under Clinton during the NAFTA ratification fight and knows what it takes to move Democrats on trade – persistent, focused Presidential leadership can get it done.

## 1nr

#### equality

Cummiskey 90 – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. **Persons** may **have "dignity**, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), **but**, as rational beings, persons **also** have **a fundamental equality which dictates that some must** sometimes **give way for the sake of others.** The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

#### Ethical obligations are tautological—the only coherent rubric is to maximize number of lives saved

**Greene 2010** – Associate Professor of the Social Sciences Department of Psychology Harvard University (Joshua, Moral Psychology: Historical and Contemporary Readings, “The Secret Joke of Kant’s Soul”, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf), WEA)

What turn-of-the-millennium science is telling us is that human moral judgment is not a pristine rational enterprise, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization.

It seems then, that we have somehow crossed the infamous "is"-"ought" divide.  How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).

Missing the Deontological Point  
I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood whatKant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view.  
In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be.  
What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will getcharacteristically deontological answers. Some will be tautological: "Because it's murder!"Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, they don't really explain what's distinctive about the philosophy in question.

#### Extinction risks are underestimated—trumps everything else

Bostrom 12 - Professor of Philosophy at Oxford

(Nick, directs Oxford's Future of Humanity Institute, Interview with Ross Andersen, correspondent at The Atlantic, 3/6, “We're Underestimating the Risk of Human Extinction”, <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/)//BB>

Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human extinction risks are poorly understood and, worse still, severely underestimated by society. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century. Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them. Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

#### And existential risks outweigh

**BOSTROM 11** (Nick, Prof. of Philosophy at Oxford, The Concept of Existential Risk (Draft), <http://www.existentialrisk.com/concept.html>)

Holding probability constant, risks become more serious as we move toward the upper-right region of figure 2. For any fixed probability, existential risks are thus more serious than other risk categories. But just how much more serious might not be intuitively obvious. One might think we could get a grip on how bad an existential catastrophe would be by considering some of the worst historical disasters we can think of—such as the two world wars, the Spanish flu pandemic, or the Holocaust—and then imagining something just a bit worse. Yet if we look at global population statistics over time, we find that these horrible events of the past century fail to register (figure 3).

[Graphic Omitted]

Figure 3: World population over the last century. Calamities such as the Spanish flu pandemic, the two world wars, and the Holocaust scarcely register. (If one stares hard at the graph, one can perhaps just barely make out a slight temporary reduction in the rate of growth of the world population during these events.)

But even this reflection fails to bring out the seriousness of existential risk. What makes existential catastrophes especially bad is not that they would show up robustly on a plot like the one in figure 3, causing a precipitous drop in world population or average quality of life. Instead, their significance lies primarily in the fact that they would destroy the future. The philosopher Derek Parfit made a similar point with the following thought experiment:

I believe that if we destroy mankind, as we now can, this outcome will be much worse than most people think. Compare three outcomes:

(1) Peace.

(2) A nuclear war that kills 99% of the world’s existing population.

(3) A nuclear war that kills 100%.

(2) would be worse than (1), and (3) would be worse than (2). Which is the greater of these two differences? Most people believe that the greater difference is between (1) and (2). I believe that the difference between (2) and (3) is very much greater. … The Earth will remain habitable for at least another billion years. Civilization began only a few thousand years ago. If we do not destroy mankind, these few thousand years may be only a tiny fraction of the whole of civilized human history. The difference between (2) and (3) may thus be the difference between this tiny fraction and all of the rest of this history. If we compare this possible history to a day, what has occurred so far is only a fraction of a second. (10: 453-454)

To calculate the loss associated with an existential catastrophe, we must consider how much value would come to exist in its absence. It turns out that the ultimate potential for Earth-originating intelligent life is literally astronomical.

One gets a large number even if one confines one’s consideration to the potential for biological human beings living on Earth. If we suppose with Parfit that our planet will remain habitable for at least another billion years, and we assume that at least one billion people could live on it sustainably, then the potential exist for at least 1018 human lives. These lives could also be considerably better than the average contemporary human life, which is so often marred by disease, poverty, injustice, and various biological limitations that could be partly overcome through continuing technological and moral progress.

However, the relevant figure is not how many people could live on Earth but how many descendants we could have in total. One lower bound of the number of biological human life-years in the future accessible universe (based on current cosmological estimates) is 1034 years.[10] Another estimate, which assumes that future minds will be mainly implemented in computational hardware instead of biological neuronal wetware, produces a lower bound of 1054 human-brain-emulation subjective life-years (or 1071 basic computational operations).(4)[11] If we make the less conservative assumption that future civilizations could eventually press close to the absolute bounds of known physics (using some as yet unimagined technology), we get radically higher estimates of the amount of computation and memory storage that is achievable and thus of the number of years of subjective experience that could be realized.[12]

Even if we use the most conservative of these estimates, which entirely ignores the possibility of space colonization and software minds, we find that the expected loss of an existential catastrophe is greater than the value of 1018 human lives. This implies that the expected value of reducing existential risk by a mere one millionth of one percentage point is at least ten times the value of a billion human lives. The more technologically comprehensive estimate of 1054 human-brain-emulation subjective life-years (or 1052 lives of ordinary length) makes the same point even more starkly. Even if we give this allegedly lower bound on the cumulative output potential of a technologically mature civilization a mere 1% chance of being correct, we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives.

One might consequently argue that even the tiniest reduction of existential risk has an expected value greater than that of the definite provision of any “ordinary” good, such as the direct benefit of saving 1 billion lives. And, further, that the absolute value of the indirect effect of saving 1 billion lives on the total cumulative amount of existential risk—positive or negative—is almost certainly larger than the positive value of the direct benefit of such an action.[13]

**They arbitrarily exclude arguments which crushes negative ground – Our authors will assume implementing the plan versus the status-quo or feasible alternatives – debating the plan while wishing away its faults has no MEANINGFUL NEGATIVE LITERATURE BASE – this is particularly true since political considerations are seminal to every congressional action but widely regard as morally repugnant**

**Changes round to round – crushes negative strategy**

#### Discourse doesn’t shape reality, it describes it

**Rodwell, 05** (Jonathan, PhD student at Manchester Met. researching U.S. Foreign Policy, 49th parallel, Spring, “Trendy but empty: A Response to Richard Jackson”,

http://www.49thparallel.bham.ac.uk/back/issue15/rodwell1.htm)

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