**1NC**

**1**

topicality

**Restrictions on authority prohibit- the aff is a condition**

William **Conner 78**,former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. **Properly interpreted,** **the "conditions" that had been imposed by plaintiff's** Board of Directors and by the Venezuelan Cabinet **were not "restrictions" or "limitations"** up**on** the **authority of** plaintiff's **agents but rather conditions precedent to the granting of authority**. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

**Vote neg  
limits and ground- anything can indirectly affect war powers--also makes the topic bidirectional because conditions can enhance executive power**

**2**

counterplan

**Plan: The Executive Branch of the united states should create a domestic terror court to resolve the legal status of persons detained in an Active Theater of War.**

**Publicly announce the decision, and justify the action through applying the Geneva Conventions to persons detained in an Active Theater of War**

**Executive restraint solves Geneva and terror, avoids flex and politics**

Matthew **Rothschild**, "Moving Guantanamo to Bagram Could Evade Court Jurisdiction," THE PROGRESSIVE, 3--25--**10**, www.commondreams.org/view/2010/03/25-10, accessed 8-15-13.

In a conventional war, where hostilities are formally declared and suspended and combatants are easily identified by the uniforms of their countries, federal judges have rightly been loath to interfere with the battlefield decisions of the executive. But **the indefinite nature of the war against terrorism and the ease with which combatants can blend in with civilian populations means that the executive requires more flexibility in fighting the enemy** and more checks and balances to ensure that innocents are not wrongly swept up. After all**, it is** also in the nation's interest to make sure that it detains only those who would do it harm**. Even if the administration is correct to challenge federal court oversight** -- and that is a big if, given that the Supreme Court has blessed judicial review of Guantanamo detentions **-- it has no justification to deny** Mr. Wazir and the other **detainees the opportunity to meaningfully challenge his detention through internationally recognized legal avenues and through a more robust process than exists at Bagram. By refusing** even these **basic accommodations**, **the** Bush **administration** once again **is embracing a hard line that is neither warranted nor productive**. And **it is all but inviting the kind of judicial intervention that it has long sought to avoid and that could leave the next administration less able to adapt to the new war footing.** **This** regrettable situation could and **should be made moot by** President-elect Barack **Obama.** Upon taking office, Mr. **Obama should order that** Mr. Wazir and the **others at Bagram be afforded their rights under the Geneva Conventions and be given a meaningful chance to challenge their detentions.** After six years, Mr. Wazir and the others are entitled to no less.

**3**

flex disad

**Broad executive authority winning the war now ---- Restricting detention would signal weakness**

**Majidyar, 13 --** American Enterprise Institute senior research associate [Ahmad, “We Need Military Authorization Until Al-Qaida Is No Longer a Threat,” June 17th, http://www.usnews.com/debate-club/should-the-authorization-for-use-of-military-force-be-repealed/we-need-military-authorization-until-al-qaida-is-no-longer-a-threat]

Nearly 12 years since 9/11, the United States remains in a state of armed conflict and the 2001 **A**uthorization for **U**se of **M**ilitary **F**orce **continues to provide the** principal legal **framework for** military and **detention operations against al-Qaida**, the Taliban **and associated forces**. The law has given both the Bush and Obama administrations the authority to "use all necessary and appropriate force against those nations, organizations, or persons" responsible for the September 11 attacks, in order to prevent any future terror plots against America. **As a result, al-Qaida and the Taliban were removed from power in Afghanistan;** Osama **bin Laden and** many of **his top lieutenants were killed** in Pakistan; **and there have been no terror attacks of the 9/11 magnitude on American soil.** Despite these gains, however, al-Qaida remains a viable threat. Over the past years, the terror group has metastasized and spread across the Middle East, forming al-Qaida in the Arabian Peninsula and al-Qaida in the Islamic Maghreb. Al-Qaida-affiliated groups have also exploited regional instability in the aftermath of the Arab Spring to gain a foothold in Syria, Libya and Egypt's Sinai. Moreover, some regional radical groups have become co-belligerents with al-Qaida in the fight against the West, including Somalia-based Al-Shabaab and Nigeria's Boko Haram. **It is therefore** premature and **dangerous to** repeal or significantly **restrict** the **AUMF** at this point, since **it would undercut** the **effectiveness** of U.S. counterterrorism efforts to deal with al-Qaida-related emerging threats worldwide. Suggestions to incorporate **temporal and geographical limitations** into the AUMF **are** also **ill-advised. Confining the law to** a **specific** number of **countries or** terrorist **groups would give the enemy more freedom of action and allow it to create new fronts and sanctuaries in areas immune from U.S. counterterrorism operations**. In his counterterrorism policy speech three weeks ago, President Obama promised to continue a "series of **persistent,** targeted **efforts to dismantle** specific **networks** of violent extremists that threaten America." **In the absence of the AUMF, such actions would be**come **untenable and devoid of a legal basis**. **At present, the AUMF provides the administration with adequate authorities to pursue the war**. Until al-Qaida and associated forces are degraded to a level where they pose no substantial national security threat to the United States, the law should not be repealed or replaced.

**That causes adversaries to doubt the credibility of our threats – causes nuclear escalation**

Matthew **Waxman** 8/25/**13**, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN

A claim previously advanced from a presidentialist perspective is that **stronger¶ legislative checks on war powers is harmful to coercive and deterrent strategies**, **because¶ it establishes easily-visible impediments to the President’s authority to follow through on¶ threats.** This was a common policy argument during the War Powers Resolution debates¶ in the early 1970s. Eugene Rostow, an advocate inside and outside the government for¶ executive primacy, remarked during consideration of legislative drafts that **any** serious**¶ restrictions on presidential use of force would mean in practice that “no President could¶ make a credible threat to use force as an instrument of deterrent diplomacy, even to head¶ off explosive confrontations**.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet¶ Union, as they have developed over the last twenty-five years, **the authority of the¶ President to set clear** and silent **limits** in advance **is** perhaps **the most important of**¶ **all the powers in our constitutional armory** **to prevent confrontations that could¶ carry nuclear implications. …¶** [I]t is the diplomatic power the President needs most under the¶ circumstance of modern life—**the power to make a credible threat to use force in¶ order to prevent a confrontation which might escalate**.179¶ In his veto statement on the War Powers Resolution, President Nixon echoed these¶ concerns, arguing that the law would undermine the credibility of U.S. deterrent and¶ coercive threats in the eyes of both adversaries and allies – they would know that¶ presidential authority to use force would expire after 60 days, so absent strong¶ congressional support they could assume U.S. withdrawal at that point.180 In short, those¶ who oppose tying the president’s hands with mandatory congressional authorization¶ requirements to use force sometimes argue that doing so incidentally and dangerously ties¶ his hands in threatening it. A critical assumption here is that **presidential flexibility**,¶ preserved in legal doctrine, **enhances the credibility of presidential threats to escalate**

**4**

politics disad

**Limit will be raised now—Boehner will hold a vote but political capital is key**

**USA Today, 10/4** (Aamer Madhani, “Obama hammers Boehner on shutdown, debt ceiling”, 10/4/2013http://www.usatoday.com/story/news/politics/2013/10/03/obama-boehner-shutdown-debt-limit/2918545/)

**In perhaps a small sign of progress in the impasse, Boehner signaled on Thursday that he may be willing to hold a vote to raise the debt ceiling even if Obama refuses to agree to the Republican demand of delaying implementation of the president's signature health care law by a year.** Jared Bernstein, who served as top economic adviser to Vice President Biden in the first term, said that **by taking the debt ceiling debate off the table. Boehner could potentially gain some negotiating leverage in the budget fight**, but he does it at the risk of the Republican base "throwing him under the bus." Bernstein said the best way forward for the White House is continuing to be "very explicit" with Boehner that it remains open on long term budget issues, while standing pat on the condition that a short-term budget and debt limit vote is passed without conditions. "You essentially tell him **by putting clean votes on the floor right now buys a ticket to robust negotiations on the other side,"** Bernstein said. "At the point, it's perfectly legitimate for him to go into any negotiation with any asks that he wants." Even **as Boehner showed signs of flexibility on a debt limit vote**, House Republicans continued to pursue a piecemeal shutdown strategy to pass targeted funding bills for popular government services. House Majority Leader Eric Cantor, R-Va., wrote to rank-and-file Republicans in a memo Thursday that he was confident Obama and congressional Democrats would eventually bow to negotiations if Republicans hold the line.

**Plan is a huge loss, guts Obama’s cred**

Michael **Kelly**, “Why Losing Indefinite Detention Powers Would Be a Disaster for Obama,” BUSINESS INSIDER, 10—24—**12**,

<http://www.businessinsider.com/why-losing-indefinite-detention-powers-would-be-a-disaster-for-obama-2012-10>

There's a big story by Greg Miller in the Washington Post on how the **Obama** administration has **expanded its powers** in the War on Terror. Miller notes that the legal foundation for U.S. counterterrorism strategy is partially **based on "the** Congressional authorization to use military force" **(AUMF)** that was passed after 9/11. Specifically it seems to be based on an interpretation of the AUMF that was "reaffirmed" by the indefinite detention clause of the National Defense Authorization Act (NDAA). This explains why **Obama is fighting so hard to keep the indefinite detention clause in effect**. In court the government argued that the indefinite detention clause is simply a "reaffirmation" of the Authorization Use Of Military Force (AUMF), which gives the president authority "to use all necessary and appropriate force against those ... [who] aided the terrorist attacks that occurred on September 11, 2001 or harbored such organizations or persons." In the NDAA lawsuit, the government argued that the NDAA §1021 is simply an "affirmation" or "reaffirmation" of the AUMF. But the NDAA adds language to the AUMF when it says "The President also has the authority to detain persons who were part of or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in the aid of such enemy forces." That extra part is what Judge Katherine Forrest ruled unconstitutionally vague. And since Judge Forrest was careful to protect the AUMF in her permanent injunction, the government should be OK with that decision if the AUMF and NDAA indefinite detention powers are precisely the same. Tangerine Bolen, an activist and plaintiff on the NDAA lawsuit, told us that **the government's** reaction **raised "significant red flags" that the indefinite detention clause is "a retroactive legislative fix** ...[that**] allows them to continue to arbitrarily apply indefinite detention** to whomever they wish, whenever they wish, for whatever reasons they wish without being held accountable." Thus a victory for the plaintiffs in the NDAA lawsuit would strike down unjustified indefinite detention powers that the government has been claiming for years. "Our lawsuit is the lock on Pandora's box," Bolen said. "And Pandora's box is the overly **broad application** of the AUMF… [Blocking NDAA §1021] is **to** suddenly and **sharply delimit powers** **upon** which President **Obama** has come to rely wrongfully. He never should've had these powers. Bush never should've had these powers." The Post notes that critics of Obama's secret drone war argue that its legal justifications have become much weaker as "the drone campaign has expanded far beyond the core group of al-Qaeda operatives ... [and] officials see an array of emerging threats beyond Pakistan, Yemen and Somalia — the three countries where almost all U.S. drone strikes have occurred." Bolen argues that the "irreparable harm" is that the permanent injunction would possibly be "exposing illegal activities for the last decade. It **could have** such a set of **ripple consequences**: we could see people in the Bush administration, Obama administration and security agencies be investigated for how they have applied the AUMF. Obama could finally be forced to release all the prisoners at Guantanamo Bay who have been cleared for years. **It's an incredible headache for him**."

**Obama is pushing Congress to resolve the debt ceiling – political capital is key to success**

**Pace 9/12** Julie, AP White House correspondent, Syria debate on hold, Obama refocuses on agenda, The Fresno Bee, 9/12/13, http://www.fresnobee.com/2013/09/12/3493538/obama-seeks-to-focus-on-domestic.html

**With** a military strike against **Syria on hold**, President Barack **Obama tried** Thursday **to reignite momentum for his second-term domestic agenda. But his progress could hinge on the strength of his standing on Capitol Hill** after what even allies acknowledge were missteps in the latest foreign crisis.¶ "It is still important to recognize that we have a lot of things left to do here in this government," **Obama** told his Cabinet, **starting a sustained White House push to refocus the nation on matters at home as key benchmarks on the budget** and health care rapidly approach.¶ "The American people are still interested in making sure that our kids are getting the kind of education they deserve, that we are putting people back to work," Obama said.¶ **The White House plans to use next week's five-year anniversary of the 2008 financial collapse to warn Republicans that shutting down the government or failing to raise the debt limit could drag down the still-fragile economy**. With Hispanic Heritage Month to begin Monday, Obama is also expected to press for a stalled immigration overhaul and urge minorities to sign up for health care exchanges beginning Oct. 1.¶ Among the events planned for next week is a White House ceremony highlighting Americans working on immigrant and citizenship issues. Administration officials will also promote overhaul efforts at naturalization ceremonies across the country. On Sept. 21, Obama will speak at the Congressional Black Caucus Gala, where he'll trumpet what the administration says are benefits of the president's health care law for African-Americans and other minorities.¶ Two major factors are driving Obama's push to get back on track with domestic issues after three weeks of Syria dominating the political debate. **Polls show the economy, jobs and health care remain Americans' top concerns**. And **Obama has a limited window to make progress on those matters in a second term, when lame-duck status can quickly creep up on presidents, particularly if they start losing public support**.¶ Obama already is grappling with some of the lowest approval ratings of his presidency. A Pew Research Center/USA Today poll out this week put his approval at 44 percent. That's down from 55 percent at the end of 2012.¶ Potential military intervention in Syria also is deeply unpopular with many Americans, with a Pew survey finding that 63 percent opposing the idea. And the president's publicly shifting positions on how to respond to a deadly chemical weapons attack in Syria also have confused many Americans and congressional lawmakers.¶ "In times of crisis, the more clarity the better," said Sen. Lindsey Graham, R-S.C., a strong supporter of U.S. intervention in Syria. "This has been confusing. For those who are inclined to support the president, it's been pretty hard to nail down what the purpose of a military strike is."¶ For a time, the Obama administration appeared to be barreling toward an imminent strike in retaliation for the Aug. 21 chemical weapons attack. But Obama made a sudden reversal and instead decided to seek congressional approval for military action.¶ Even after administration officials briefed hundreds of lawmakers on classified intelligence, there appeared to be limited backing for a use-of-force resolution on Capitol Hill. Rather than face defeat, **Obama asked lawmakers this week to postpone any votes while the U.S. explores the viability of a deal to secure Syria's chemical weapons** stockpiles.¶ **That pause comes as a relief to Obama and many Democrats eager to return to issues more in line with the public's concerns**. The most pressing matters are a Sept. 30 deadline to approve funding to keep the government open — the new fiscal year begins Oct. 1 — and the start of sign-ups for health care exchanges, a crucial element of the health care overhaul.¶ On Wednesday, a revolt by tea party conservatives forced House Republican leaders to delay a vote on a temporary spending bill written to head off a government shutdown. Several dozen staunch conservatives are seeking to couple the spending bill with a provision to derail implementation of the health care law.¶ **The White House** also **may face a fight with Republicans over raising the nation's debt ceiling this fall. While Obama has insisted he won't negotiate over the debt limit**, House Speaker John **Boehner** on Thursday **said the GOP will insist on curbing spending**.

**Failure to raise the debt ceiling causes global economic collapse**

**Popper 10/3** (Nathaniel, NYT, 10/3/13, “How a Debt Ceiling Crisis Could Do More Harm Than the Shutdown”, http://www.nytimes.com/2013/10/04/us/politics/how-debt-ceiling-could-do-more-harm-than-the-impasse-in-congress.html?\_r=0#h[], zzx)

The impasse in Congress this week has overshadowed the fact that **the government is fast approaching its borrowing limit — or debt ceiling — later this month**. Most **economists and investors view the debt ceiling as a much more significant issue for the economy**, **with the potential to set off a global financial crisis**. What is all the concern about? Here is an attempt to answer the basic questions. Q. What is the debt ceiling? A. Congress has long set an upper limit on the amount of money that the United States can borrow by selling Treasury bonds. That cap has been raised many times because the government regularly spends more than it brings in, forcing it to borrow more and more money to pay the bills. Most recently, in August 2011, Congress voted to raise the limit to $16.7 trillion. The government actually hit that threshold in May. But since then, the Treasury Department has used “extraordinary measures” to continue borrowing money while staying under the limit. Among other things, Treasury has not made new investments with money from the retirement funds it oversees for the Postal Service. Q. What happens **on Oct. 17**? A. **Treasury Secretary Jacob J. Lew** has **said** that on that day **his department will run out of tricks to stay under the debt ceiling, making it impossible to borrow any more money**. While new tax revenue will continue coming in, **if the government cannot borrow, then it will not be able to pay all of the bills due that day.** In a letter sent Tuesday to Representative John A. Boehner, the House speaker, Mr. Lew estimated that **on Oct. 17 the government would have $30 billion on hand, indicating that its normal daily expenditures were about $60 billion**. Q. Does the Treasury Department have any options to keep paying some or all of its bills at that point? A. The inspector general of the Treasury Department said in a 2012 report that when the department approached the debt ceiling in the past it considered multiple contingency plans, including selling the government’s gold or its portfolio of student loans and reducing payments across the board by a set amount. Both alternatives were deemed to be impossible. The report also said that Treasury officials determined that they could not choose to issue some checks while ignoring others. The only feasible option, according to the report, would be to delay payments until an entire day’s obligations could be paid at one time. Q. How quickly would big government bills come due? A. A **payment** for $12 billion in Social Security benefits **is due on Oct. 23**. **On Oct. 31, the government is due to make $6 billion in interest payments on bonds** it has already issued. **If it missed any of its payments, the government would default on its obligations. If it missed an interest payment, it would default on its debt, which is considered particularly serious**. Q. Why is there such concern about the interest payments on Treasury bonds? A. At the most basic level, **if the government shows any hesitation in making scheduled interest payments on its outstanding bonds, investors will demand higher interest payments when the government borrows money in the future. That would add significantly to the federal budget.** Treasury bonds are also used as a benchmark against which most other financial assets are priced. **If the government was forced to pay higher interest rates, the borrowing costs for businesses and homeowners would rise as well. This would lead to less borrowing, which would** put a brake on economic growth**. Banks**, meanwhile, already **have large holdings of Treasury bonds**. **If the value of those bonds suddenly dropped, banks would have less money on hand and would be less likely to lend to one another**, potentially **causing a freeze in the credit markets** like the one in 2008. More broadly, **because investors have long believed that the United States government would always be able to pay its bills, Treasury bonds have become the bedrock of the global financial system and the dollar has become the most widely used currency in the world**. **If investors come to doubt the ability of the United States to pay its debt**, **the dollar could lose its special status and the basic plumbing of the financial system could become jammed**. As the Treasury Department put it in a report released Thursday, “**a default would be unprecedented and has the potential to be catastrophic.”** Q. Is it possible the United States would truly default? A. Some investors and legal scholars believe that the president would be required to make interest payments on its bonds even if Congress failed to lift the debt ceiling because of the 14th Amendment, which says that “the validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.” President Obama has said he does not think the Constitution grants him that authority. At the very least, many investors think that the Treasury Department would make debt payments the top priority, potentially buying time before the government actually defaulted on its debt. Q. Have we reached this point before? A. In the summer of 2011, Republicans hesitated to lift the debt ceiling until the last minute but ultimately relented. In 1979, there was a similar standoff, and it went so close to the wire that the Treasury Department accidentally failed to make one interest payment. But **the government has never knowingly failed to fulfill its financial obligations.** Q. Is Wall Street betting that the country will actually default? A. **When investors believe** a **default is likely, the stock market will almost certainly plunge**. **So far, the markets have suggested that Congress will ultimately come to an agreement,** but the mood is growing darker. On Thursday, the Standard & Poor’s 500-stock index had its worst day in more than a month.

**Nuclear war.**

Cesare **Merlini 11**, nonresident senior fellow at the Center on the United States and Europe and chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome. He served as IAI president from 1979 to 2001. Until 2009, he also occupied the position of executive vice chairman of the Council for the United States and Italy, which he co-founded in 1983. His areas of expertise include transatlantic relations, European integration and nuclear non-proliferation, with particular focus on nuclear science and technology. A Post-Secular World? Survival, 53:2, 117 – 130

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails **the premature crumbling of the post-Westphalian system**. One or more of the acute tensions apparent today **evolves into** an open and traditional conflict between **states**, perhaps even **involving** **the use of nuclear weapons**. **The crisis might be triggered by a collapse of the global economic** and financial **system**, the vulnerability of which we have just experienced, and the prospect of **a second Great Depression, with consequences for peace and democracy similar to those of the first.** Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

**5**

security k

**Discourse of a terrorist threat locks in violence and ensures a self-fulfilling prophecy- reject the aff to solve**

Jackson 7(Volume 42, Issue 3, Pages 394-426 Published Online: 21 Jun 2007, Constructing Enemies: 'Islamic Terrorism' in Political and Academic Discourse Richard Jackson)

In this case, for example, it can be argued that by denying the rational-political demands of insurgent groups, demonizing them as fanatics and essentializing them as violent, irrational, savage and fanatical, the 'Islamic **terrorism discourse normalizes and legitimizes a restricted set of coercive and punitive counter-terrorism strategies, whilst simultaneously making non-violent alternatives such as dialogue, compromise and reform appear inconceivable and nonsensical**. This understanding of discourse further draws our attention to the ways in which discourse can be deployed as a political technology in the hegemonic projects of various agents, such as state elites. In this case, it is possible to describe a number of means by which the 'Islamic terrorism' discourse functions to reify and expand the hegemonic power of particular states. For example, by locating the source of contemporary terrorism in religious extremism, the discourse works to deny and obscure its political origins and the possibility that it is a response to specific Western policies. That is, **by assigning non-rational, cosmic aims to violent groups, the discourse depoliticizes, decontextualizes and dehistoricizes the grievances and political struggles of groups and societies, thereby de-linking the motives of the terrorists from the policies of Western states or their allies**. **Such socially constructed 'knowledge' of 'Islamic terrorism' thus facilitates or enables** the **uninterrupted exercise of** US and British **power** in the international sphere **by obviating the need for policy reappraisal**. At the same time, it functions directly as a powerful discursive tool designed to de-invest insurgent groups of any political authority or wider social-cultural legitimacy they may have, in large part by appealing to the secular prejudice of Western societies.104 More prosaically, it can be seen that many of the policies made possible by the discourse also function directly to extend and consolidate state power, and provide direct material and discursive benefits to elements of the national security sector. For example, intrusive surveillance, expanded police powers, control orders, theregulation of public speech, investigations of charities and the like, can and have been used to limit political dissent, strengthen state security institutions and bring previously unregulated social arenas like charities and religious activities under greater state control. Linked to this, the analysis of public discourse by politicians clearly demonstrates that elites in the USA and Britain frequently deploy the discourse of 'Islamic terrorism' to legitimize or 'sell' a range of international and domestic political projects, including: regime change in states like Afghanistan and Iraq; the expansion of a military presence to new regions such as Central Asia; the control of strategic resources like oil; increased military and political support for allies in strategic regions like the Horn of Africa and Central America; increased resources and power for the military establishment; the construction of domestic and international surveillance systems; the control of international institutions and processes; and more broadly, the preservation and extension of a Western-dominated liberal international order. The frequency of narratives of 'Islamic terrorism' in contemporary political speeches suggests that, following earlier patterns,105 the discourse is being used in a deliberative fashion as a political technology. Beyond exposing the ideological functions of the discourse, another purpose of second-order critique is to examine the ethical normative consequences of the discourse. In this case, it is suggested that the 'Islamic terrorism' discourse is proving harmful to community relations, public morality and the search for effective, proportionate and legitimate responses to terrorist acts. First, given the way the Western self has been constructed in opposition to the Islamic other, and given the negative subject positioning and predication within the discourse, the evidence of rising tensions between and within local, national and global communities does not seem at all surprising. A recent survey of global opinion found that many Westerners see Muslims as fanatical, violent and intolerant, while many Muslims have an aggrieved view of the West.106 There is also evidence of increasing levels of Islamophobia across the European Union107 and increases in faith-hate crime in Britain and elsewhere.108 It seems reasonable to assume that this situation is at least in part due to the ubiquitous public discourse that identifies Islam and Muslims as a source of terrorism, extremism and threat. Related to this, it is possible to detect an erosion of public morality in polling data that shows that significant proportions of the public in many Western countries, but most notably in the United States, now agree that torturing terrorist suspects is justified in some circumstances.109 It can also be seen in the absence of public concern or outrage at the public evidence of torture and abuse, the muted response to human rights abuses committed by the security forces during counter-terrorism operations and the ongoing and very serious public debate by academics, officials and journalists about the necessity and ethics of torture and other human rights abuses against terrorist suspects. This erosion of public morality is, I would suggest, directly linked to the social and political construction of a pervasive discourse of threatening, murderous, fanatical 'Islamic terrorists' who must be eradicated in the name of national security.110 At a more practical level, it can also be argued that the 'Islamic terrorism' discourse is proving to be counter-productive in its effects on the broader counter-terrorism campaign of the war on terrorism. For example, it seems obvious that the **discourse assists certain militant groups in promoting their message that there is a fundamental conflict between Islam and the West; in this sense, the language works to co-constitute the very threat it purports to counter**. In addition**, narratives of fanatical, murderous,** suicidal 'Islamic **terrorists' functions to amplify rather than allay the social fear generated by terrorist actions because it reinforces the perception that the attackers are inhuman killing machines who cannot be deterred or reasoned with**. In terms of foreign policy, **the construction of a global Islamic threat can contribute to support for governments who actively suppress popular Islamic movements or cancel elections, thus creating a self-fulfilling prophecy in which imprisoned, tortured and harassed activists decide that the use of violence is their only recourse**.111 More broadly, **there seems little doubt that Western counter-terrorism policies, based in large part on the productive categories of the 'Islamic terrorism' discourse, are at least partly responsible for intensifying cycles of violence and instability**. **That is, the Iraq invasion, the destruction of Falluja, the Abu Ghraib abuses, the Guantanamo prison camp, the practice of extraordinary rendition and public support for Israel's war against Lebanon – among others – are helping to construct further political grievances that could provide the justification for further acts of terrorism. In part, these** **patently self-defeating policies persist because the discourse restricts and constructs the legitimate 'knowledge' that is allowed to inform policy debate whilst simultaneously establishing the parameters of legitimate action**.

**Cred: 1NC**

**Alt causes overwhelm**

**--Drones**

Stephen **Holmes,** Professor, Law, NYU, “What’s In it for Obama,” LONDON REVIEW OF BOOKS, 7—**13**,

<http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama>

On the basis of undisclosed evidence, evaluated in unspecified procedures by rotating personnel with heterogeneous backgrounds, the US is continuing to kill those it classifies as suspected terrorists in Somalia, Yemen and Pakistan. It has certainly been eliminating militants who had nothing to do with 9/11, including local insurgents fighting local battles who, while posing no realistic threat to America, had allied themselves opportunistically with international anti-American jihadists. By following the latter wherever they go, the US is allowing ragtag militants to impose ever new fronts in its secret aerial war. **Mistakes** are made and **can’t be hidden**, at least not from local populations. **Nor can** the **resentment** of surrounding communities be easily assuaged. This is because, even when it finds its target, the US is killing not those who are demonstrably guilty of widely acknowledged crimes but rather those who, it is predicted, will commit crimes in the future. Of course, the **civilian populations** in the countries where these strikes take place will never accept the hunches of CIA or Pentagon futurologists. And so they **will** **never accept American claims** **about** the justice of **Obama’s** slimmed-down **war on terror,** but instead claim the right of self-defence, and this would be true even if drone operators could become as error-free as Brennan once claimed they already are. But of course collateral damage and mistaken-identity strikes will continue. They are inevitable accompaniments of all warfare. And they, too, along with intentional killings that are never publicly justified, will communicate resoundingly to the world that the arbitrary and unpredictable killing of innocent Muslims falls within America’s commodious concept of a just war. The rage such strikes incite will be all the greater if onlookers believe, as seems likely, that the killing they observe makes relatively little contribution to the safety of Americans. Indeed, this is already happening, which is the reason that **the drone**, whatever its moral superiority to land armies and heavy weaponry, has **replaced Guantánamo as the incendiary symbol of America’s** indecent **callousness towards** the world’s **Muslims**. As Bush was the Guantánamo president, so **Obama is the drone president**. **This** switch, whatever Obama hoped, **represents a** **worsening** not an improvement **of America’s** image in the world.

**--GOP congress**

Erik **Jones**, Professor, European Studies, Johns Hopkins University, “European Security, Transatlantic Relations, and the Challenge to US Global Leadership,” 4—**11**, <http://www.iai.it/pdf/Quaderni/iairp_01.pdf>

Europe is not a rival to the United States and yet it is not obviously a supportive influence either. Meanwhile, the United States has problems of its own. The Obama administration suffered a significant setback during the mid-term elections held in November 2010. **The Republican Party won** control over **the House** of Representatives and it was able to reduce the Democratic majority in Senate. As a consequence, the **Obama** administration has lost much of its room for maneuver in domestic policy and it **faces an uphill battle getting** Senate approval for **key appointments and international treaties** (it managed to have the US-Russia New START treaty on the reduction of nuclear warheads approved by the Senate in the final days of the lame-duck session, though). **In turn, international perceptions of the strength of Obama as president have diminished, making it easier** for some **to ignore US entreaties** or blandishments and for others to take advantage of perceived American weakness or preoccupation at home. **Many question whether** the prospects for **American leadership have been** **fatally challenged** **and** some even wonder whether they **can ever be repaired**.5

**--Mideast policy**

Neil **McDonald**, “Obama’s Indecision on Syria Strains U.S. Credibility,” CBC NEWS, **9—5**—13,

http://www.cbc.ca/news/world/story/2013/09/04/f-vp-obama-congress-syria-missile-strike-neil-macdonald.html

In fact, **“red lines”** are old hat **in the Middle East**. They **are constantly being** set, **violated and moved**. The term was popular there before it ever entered the American lexicon.¶ But in a region where people remember the betrayal of the Sykes-Picot agreement as though it was yesterday (Great Britain and France secretly carved up the Middle East between them after World War One), and regard the Crusades as though they happened last week, it is the long history of American and other Western actions that burdens the U.S.¶ **Americans might move on** after a week or so**; the rest of the world doesn’t.¶ Take chemical weapons.** Obama and Kerry are boiling righteously about their use in Syria, but **Washington was** considerably less outraged just a few **decades ago**.¶ There is ample evidence America supplied Saddam Hussein with the precursors for the chemical weapons he used in battle against Iran in the 1980s. Even when he turned them on his own citizens, and the U.S. Senate was finally persuaded to pass economic sanctions, the House of Representatives stopped them dead.¶ The Reagan administration, which propped up tyrants throughout the region, opposed taking any action.¶ “I always found it ironic,” Rep. Chris Van Hollen said last week, “that the United States went to war on false pretenses that Saddam Hussein had chemical weapons and weapons of mass destruction in 2003, when he did not have them, but failed to take any action in 1988 when he actually used them.”¶ One suspects Iraqis felt that irony, too. Certainly they remember George H.W. Bush telling them to rise up after the first Gulf War, before leaving them to Saddam’s tender mercies.¶ Going back much further, there is still debate over whether British colonial authorities deployed chemical weapons as part of the wholesale slaughter its air force carried out to suppress Iraqi uprisings after the First World War.¶ Certainly Winston Churchill was keen. "I am strongly in favour of using poisoned gas against uncivilised tribes . . . [to] spread a lively terror,” wrote the great man.¶ Empty declarations¶ In any event, does anyone think the average Syrian distinguishes between the rape and torture and bombs and bullets Assad’s executioners have used to dispatch their wives and husbands and children, and the sarin gas he’s alleged to have dropped in the suburbs of Damascus last month?¶ It’s just as likely **they recall** George W. **Bush’s empty inaugural declarations** in 2005 **about protecting the** oppressed of the **world from dictators. And** of course, Barack **Obama’s words as he went to war against** Muammar **Ghaddafi** two and a half years ago: “As President, I refused to wait for the images of slaughter and mass graves before taking action.”¶ More than 100,000 Syrian corpses later, Obama has done nothing.¶ Yes, the White House did announce in June that as a result of earlier chemical weapons attacks by Assad, it was authorizing the CIA to arm the Syrian rebels. But as of today, those arms remain undelivered.¶ More than two years ago, Obama and his officials began declaring that Assad must go. Now, fearing who might come next**, “regime change” in Syria is out, and “containment” is in.** Any military **strikes will** somehow **be limited** to deterring use of chemical weapons without influencing the outcome of the civil war — as though such a thing is possible.¶ **In Egypt, the U**nited **S**tates **is** now **backing** and financially supporting **the military junta that removed a democratically elected president** from office and massacred his supporters. Because American law forbids the provision of financial aid to any government installed by a coup, Obama has simply chosen not to call it a coup.¶ **The list goes on. And on.**

**--PRISM**

Jim **Arkedis**, senior fellow, Progressive Policy Institute, “PRISM is Bad for American Soft Power,” THE ATLANTIC, 6—19—**13**,

<http://www.theatlantic.com/international/archive/2013/06/prism-is-bad-for-american-soft-power/277015/>

The lack of public debate, shifting attitudes towards civil liberties, insufficient disclosure, and a decreasing terrorist threat demands that collecting Americans' phone and Internet records must meet the absolute highest bar of public consent. It's a test the Obama administration is failing.¶ This brings us back to Harry Truman and Jim Crow. Even though PRISM is technically legal, the lack of recent **public debate and support for aggressive domestic collection is hurting America's soft power**.¶ The evidence is rolling in. **The China Daily**, an English-language mouthpiece for the Communist Party, **is having a field day, pointing out America's hypocrisy** as the Soviet Union did with Jim Crow. Chinese dissident artist Ai Wei Wei made the link explicitly, saying "In the Soviet Union before, in China today, and even in the U.S., officials always think what they do is necessary... but the lesson that people should learn from history is the need to limit state power."¶ Even **America's allies are uneasy,** at best. German Chancellor Angela Merkel grew up in the East German police state and expressed diplomatic "surprise" at the NSA's activities. She vowed to raise the issue with Obama at this week's G8 meetings. The Italian data protection commissioner said the program would "not be legal" in his country. British Foreign Minister William Hague came under fire in Parliament for his government's participation.¶ If Americans supported these programs, our adversaries and allies would have no argument. As it is, **the next time the U**nited **S**tates **asks others for help in tracking terrorists, it's more likely** than not that **they will question Washington's motives**.

**Cooperation dependent on other facets of war on terrorism – detention controversies are periodic.**

**Archick ‘13**

(Kristin, Specialist in European Affairs @ CRS, “U.S.-EU Cooperation Against Terrorism”, May 21, <http://www.fas.org/sgp/crs/row/RS22030.pdf>, DZ)

U.S.-EU **cooperation against terrorism has led to a new dynamic** in U.S.-EU relations by fostering¶ dialogue on law enforcement and homeland security issues previously reserved for bilateral¶ discussions. **Nevertheless**, some **challenges persist** in fostering closer U.S.-EU cooperation in¶ these fields. Among **the most prominent are data privacy and data protection** concerns. The EU¶ considers the privacy of personal data a basic right and EU rules and regulations strive to keep¶ personal data out of the hands of law enforcement as much as possible. The negotiation of several¶ U.S.-EU information-sharing agreements, from those¶ related to tracking terrorist financial data to¶ sharing airline passenger information, has been complicated by ongoing EU concerns about¶ whether the United States could guarantee a sufficient level of protection for European citizens’¶ personal data. Other **issues that have** led to **periodic tensions include detainee policies**, differences¶ in the U.S. and EU terrorist designation lists (especially regarding Hezbollah), and balancing¶ measures to improve border controls and border se¶ curity with the need to facilitate legitimate¶ transatlantic travel and commerce. **Congressional decisions related to** improving **border controls and transport security**, in particular,¶ **may affect** how future U.S.-EU **cooperation** evolves. In addition, given the European Parliament’s¶ growing influence in many of these policy areas,¶ **Members of Congress may be able to help shape**¶ **Parliament’s views and responses** **through** ongoing **contacts and the** existing Transatlantic¶ Legislators’ Dialogue (**TLD**). This report exam¶ ines the evolution of U.S.-EU counterterrorism¶ cooperation and the ongoing challenges that may be of interest in the 113¶ th¶ Congress.

**Incremental shifts make the US look hypocritical—kills credibility**

**Roth 2k** (Kenneth, Executive Director, Human Rights Watch, Fall, Chicago Journal of International Law,1 Chi. J. Int'l L. 347)

**Washington's cynical attitude** toward international human rights law **has begun to weaken the US government's voice as an advocate for human rights around the** [\*353] **world**. Increasingly at UN human rights gatherings, **other governments privately criticize Washington's "a la carte" approach to human rights**. **They see this approach reflected** not only in the US government's narrow formula for ratifying human rights treaties but also **in its refusal to join the recent treaty banning anti-personnel landmines and its opposition to the treaty establishing the I**nternational **C**riminal **C**ourt unless a mechanism can be found to exempt US citizens. For example, at the March-April 2000 session of the UN Commission on Human Rights, **many governments privately cited Washington's inconsistent interest in international human rights standards to explain their lukewarm response to a US-sponsored resolution criticizing China's deteriorating human rights record.**

**Inevitable hard power decline thumps**

**Quinn 11** Adam Quinn, Lecturer in International Studies at the University of Birmingham, “The art of declining politely: Obama’s prudent presidency and the waning of American power”, 7/1/2011, International Affairs 87:4 (2011) 803–824, Wiley Online, CMR

Nevertheless, this qualification demands two further qualifications of its own. The first is that **if we consider ‘soft power’ as a national attribute** then **it is difficult to separate it with confidence from the economic and military dimensions of power**. **Is it really likely that America’s ideological and cultural influence will endure undiminished in the absence of the platform of military and economic primacy upon which it has been constructed?** It may be overstatement to suggest that, borrowing Marxist terminology, hard power represents the ‘base’ and soft power mere ‘superstructure’. But one could plausibly argue that **even America’s non-coercive power and political appeal are inextricably entwined with the status conferred upon it by possession of a preponderance of material resources.** **While vestigial soft power may delay or mitigate the consequences of relative material decline, it is surely unrealistic to expect it to override them such as to allow the US to continue to exercise the same influence in a multipolar** or non-polar **world as it did in a unipolar one**.¶ The second qualification is that **the definition of power as control over behaviour** or **outcomes is not the only plausible one**, or the only one that matters. In his seminal Theory of international politics, Kenneth Waltz criticized the relational definition of power, which in his words ‘equates power with control’ and ‘confuses process with outcome’.38 Defining power by reference to whether or not one can engineer one’s preferred outcomes, Waltz argued, logically collapses the space needed for consideration of how judicious strategy is required to translate raw power into results, because under the relational definition being powerful is simply the same thing as achieving one’s desired outcomes, and weakness equates with the failure to do so. Instead, Waltz commended the ¶ and simple notion that an agent is powerful to the extent that he affects others more than they affect him. The weak understand this; the strong may not. Prime Minister Trudeau once said that, for Canada, being America’s neighbour ‘is in some ways like sleeping with an elephant. No matter how friendly or even-tempered is the beast … one is affected by every twitch and grunt.’39¶ This definition makes eminent intuitive sense, and captures something important which the relational conception of power does not. In addressing the declinist argument, **it is something of a detour to argue that the US may continue to exercise influence through other means even as its relative resource advantage diminishes.** This may be true, but **it** **remains the case that**, simply put, **the ‘size of the elephant’**, which is to say the relative disproportionate effect of America’s actions upon others, **will be decreasing**. **This** in all likelihood **has implications for the realization of those goals with which it identifies itself**. But **even if** **the U**nited **S**tates **should somehow play its hand so well that it continues to obtain many desired outcomes, such a change would remain significant in its own right.**

**Realist theory disproves the advantage**

JM **Greico**- professor of political science at Duke University, **1993** “Neorealism and Neoliberalism: The Contemporary Debate”¶ edited by David Allen Baldwin, chapter entitled “Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism” p. 116-118

**Realism** has **dominated international relations theory** at least since World War II.' For realists, international **anarchy fosters competition** and conflict among states **and inhibits** their **willingness to cooperate** **even when** **they share common interests**. Realist theory also argues that **international institutions are unable to mitigate anarchy's constraining effects on interstate cooperation**. Realism, then, presents **a pessimistic analysis of the prospects for international cooperation and** of **the** **capabilities of** international **institutions**.2¶ The major challenger to realism has been what I shall call liberal institutionalism. Prior to the current decade, it appeared in three successive presentations—functionalist integration theory in the 1940s and early 1950s, neofunctionalist regional integration theory in the 1950s and 1960s, and interdependence theory in the 1970s.3 All three versions rejected realism's propositions about states and its gloomy understanding of world politics. Most significantly, they argued that international institutions can help states cooperate. Thus, compared to realism, these earlier versions of liberal institutionalism offered a more hopeful prognosis for international cooperation and a more optimistic assessment of the capacity of institutions to help states achieve it.¶ **International tensions and conflicts during the 1970s undermined liberal institutionalism and reconfirmed realism in large measure**. Yet that difficult decade did not witness a collapse of the international system, and in the light of continuing modest levels of interstate cooperation, a new liberal institutionalist challenge to realism came forward during the early 1980s (Stein 1983:115-40; Axelrod 1984; Keohane 1984; Lipson 1984; Axelrod and Keohane 1985). What is distinctive about this newest liberal institutionalism is its claim that it accepts a number of core realist propositions, including, apparently, the realist argument that anarchy impedes the achievement of international cooperation. However, the core liberal arguments—that realism overemphasizes conflict and underestimates the capacities of international institutions to promote cooperation—remain firmly intact. The new liberal institutionalists basically argue that even if the realists are correct in believing that anarchy constrains the willingness of states to cooperate, states nevertheless can work together and can do so especially with the assistance of international institutions.¶ This point is crucial for students of international relations. If neo-liberal institutionalists are correct, then they have dealt realism a major blow while providing ine intellectual justification for treating their own approach, and the tradition from which it emerges, as the most effective for understanding world politics.¶ This essay's principal argument is that, in fact, neoliberal **institutionalism misconstrues the realist analysis of international anarchy and** therefore **it misunderstands the realist analysis of the impact of anarchy on the preferences and actions of states. Indeed, the new liberal institutionalism fails to address a major constraint on the willingness of states to cooperate which is generated by international anarchy and which is identified by realism.** As a result, the new theory's **optimism about international cooperation is likely to be proven wrong.¶** Neoliberalism's claims about cooperation are based on its belief that states are atomistic actors. It argues that states seek to maximize their individual absolute gains and are indifferent to the gains achieved by others. Cheating, the new theory suggests, is the greatest impediment to cooperation among rationally egoistic states, but international institutions, the new theory also suggests, can help states overcome this barrier to joint action. Realists understand that states seek absolute gains and worry about compliance. However, realists¶ find that **states are positional, not atomistic**, in character, and **therefore** realists argue that, in addition to concerns about cheating, **states in cooperative arrangements** also **worry that their partners might gain more from cooperation that they do**. For realists, **a state will focus both on its absolute and relative gains from cooperation**, and a state that is satisfied with a partner's compliance in a joint arrangement might nevertheless exit from it because the partner is achieving relatively greater gains. Realism, then, finds that **there are** at least **two major barriers to international cooperation**: **state concerns about cheating and state concerns about relative achievements of gains.** Neoliberal **institutionalism pays attention exclusively to the former** **and is unable to identify, analyze, or account for the latter.¶** Realism's identification of the relative gains problem for cooperation is based on its insight that **states in anarchy fear for their survival as independent actors**. According to realists, states worry that **today's friend may be tomorrow's enemy** in war, and fear that achievements of joint gains that advantage a friend in the present might produce a more dangerous potential foe in the future. As a result, **states must give serious attention to the gains of partners.** Neoliber-als fail to consider the threat of war arising from international anarchy, and this allows them to ignore the matter of relative gains and to assume that states only desire absolute gains. Yet in doing so, they fail to identify a major source of state inhibitions about international cooperation.¶ In sum, I suggest that **realism**, its emphasis on conflict and competition notwithstanding, **offers a more complete understanding of the problem of international cooperation than does its latest liberal challenger**. If that is true, then **realism is still the most powerful theory of international politics.**

**Data disproves heg impacts**

**Fettweis, 11** Christopher J. Fettweis, Department of Political Science, Tulane University, 9/26/11, Free Riding or Restraint? Examining European Grand Strategy, Comparative Strategy, 30:316–332, EBSCO

It is perhaps worth noting that **there is no evidence to support a direct relationship between** the relative level of **U.S. activism and international stability**. In fact, **the limited data we do have suggest the opposite may be true**. During the 1990s, the United States cut back on its defense spending fairly substantially**. By 1998, the United States was spending $100 billion less on defense in real terms than it had in 1990**.51 To internationalists, defense hawks and believers in hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities,” argued Kristol and Kagan, “doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace.”52 On the other hand, **if** the pacific **trends were not based upon U.S. hegemony but** **a strengthening norm against interstate war, one would not have expected an increase in global instability and violence.** The verdict from the past two decades is fairly plain: **The world grew more peaceful while the U**nited **S**tates **cut its forces. No state seemed to believe that its security was endangered by a less-capable U**nited **S**tates **military**, or at least **none took any action that would suggest** **such a belief**. **No militaries were enhanced to address power vacuums, no security dilemmas drove insecurity or arms races, and no regional balancing occurred once the stabilizing presence of the U.S. military was diminished**. The rest of the world acted as if the threat of international war was not a pressing concern, despite the reduction in U.S. capabilities. Most of all, the United States and its allies were no less safe. The incidence and magnitude of global conflict declined while the United States cut its military spending under President Clinton, and kept declining as the Bush Administration ramped the spending back up. No complex statistical analysis should be necessary to reach the conclusion that the two are unrelated. Military spending figures by themselves are insufficient to disprove a connection between overall U.S. actions and international stability. Once again, one could presumably argue that spending is not the only or even the best indication of hegemony, and that it is instead U.S. foreign political and security commitments that maintain stability. Since neither was significantly altered during this period, instability should not have been expected. Alternately, advocates of hegemonic stability could believe that relative rather than absolute spending is decisive in bringing peace. Although the United States cut back on its spending during the 1990s, its relative advantage never wavered. However, **even if it is true that either U.S. commitments** or relative spending **account for global** pacific **trends**, then at the very least stability can evidently be maintained at drastically lower levels of both. In other words, even if one can be allowed to argue in the alternative for a moment and suppose that **there is in fact a level of engagement below which the U**nited **S**tates **cannot drop without increasing international disorder, a rational grand strategist would still recommend cutting back on engagement and spending until that level is determined**. **Grand strategic decisions are never final**; continual **adjustments can** and must **be made** as time goes on. Basic logic suggests that the United States ought to spend the minimum amount of its blood and treasure while seeking the maximum return on its investment. And if the current era of stability is as stable as many believe it to be, no increase in conflict would ever occur irrespective of U.S. spending, which would save untold trillions for an increasingly debt-ridden nation. It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled**. If increases in conflict would have been interpreted as proof of the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should** at least **pose a problem**. As it stands, **the only evidence we have regarding the likely systemic reaction to a more restrained United States suggests that the current peaceful trends are unrelated to U.S. military spending**. Evidently **the rest of the world can operate** quite **effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone.**

**Terror: 1NC**

**Status quo detention key to solve terror—4 reasons**

-- incapacitation -- deterrence -- disruption --intel

Matthew **Waxman**, Associate Professor, Law, Columbia University, “Administrative Detention of Terrorists: Why Detain, and Detain Whom?” 20**09**, http://jnslp.com/wp-content/uploads/2010/08/01-Waxman\_V13\_3-19-09.pdf

This notion of prevention, however, needs to be further unpacked. **There are at least four major ways in which detention contributes to terrorism prevention: $ incapacitation $ deterrence $ disruption $ information-gathering Each of these sub-elements of prevention has implications for how administrative detention laws should be crafted** and how institutions for adjudicating cases should be designed. The most natural inclination of a government facing threats of terrorism is to incapacitate suspected terrorists: If someone has the will and capability to commit terrorism, keep him off the streets. **The purpose of** such **detention is not punitive or retributive** (though such desires might lurk in the background); **it is protective and preemptive, to put potential threats out of action**. Secretary of Defense Rumsfeld described the Guantánamo detainees in 2002, for example, as “among the most dangerous, besttrained, vicious killers on the face of the earth,”66 justifying the camp as necessary to stop them from carrying out their violent objectives. **This preventive purpose underlies the law of war’s detention rules, in that those rules aim to block captured soldiers from returning to an ongoing fight**.67 As former Attorney General Mukasey explained**: The United States has every right to capture and detain enemy combatants in this conflict, and we need not simply release them to return to the battlefield. . . . We have every right to prevent them from returning to kill our troops or those fighting with us, and to target innocent civilians.68 Beyond incapacitating existing threats, a government might wield the threat of detention to deter future terrorist recruits from joining the cause** or participating in terrorist activities. In other words, **the possibility of getting caught and held by the government may dissuade terrorists or future terrorists from joining terrorist groups** or perpetrating terrorist acts. **69 The more credible the threat of capture and detention, and the more severe the consequences** (say, the longer the threatened period of detention, or the more severe its conditions), so the theory goes, **the greater the deterrent** pressure. **These notions** of incapacitating or deterring terrorists or future terrorists **may potentially point at large groups of individuals and their dangerous activities: If we can discern who has the intent and capability** – or potential to develop that intent and capability – **to commit** or support **terrorist acts, we will try to block or dissuade them**. But **a narrower way to formulate a preventive purpose of administrative detention is to disrupt terrorist plots**: A group of individuals is preparing to carry out a terrorist attack or campaign of attacks, so use the detention of certain persons to foil that plot.**70 Whereas incapacitation focuses heavily on the characteristics of categories of individuals, disruption focuses on their joint or individual activities. It is not so much about neutralizing very dangerous people as neutralizing their impending schemes.** Each of these preventive strategies contains some key assumptions about the government’s knowledge of the terrorist threat. An incapacitation strategy assumes the state’s ability to assess accurately who is likely to pose a future danger and to therefore devote resources to stemming their future dangerous activities. A prevention strategy emphasizing deterrence assumes the state’s ability to manipulate sufficiently the fears of future terrorists at large. And a disruption strategy assumes the state’s ability to identify plots in advance and their key individual enablers.**71 A fourth preventive reason to detain is therefore to gather information. Thwarting terrorist plots requires getting inside the heads of network members, to understand their intentions, capabilities, and modes of operation. Detention can facilitate such intelligence collection through**, most obviously, **interrogation**, but also through **monitoring conversations** among prisoners or even “turning” terrorist agents and sending them back out as government informants. Governments usually justify publicly counterterrorism detentions on incapacitation or disruption grounds, but no doubt information-gathering was at the forefront of the Bush administration’s detention policies,72 as demonstrated by the lengths to which that Administration went to defend permissive interrogation standards and CIA detention programs.73 “**These are dangerous men with unparalleled knowledge about terrorist networks and their plans for new attacks,”** explained President Bush in September 2006, in disclosing publicly the CIA secret detention program. “The security of our nation and the lives of our citizens depend on our ability to learn what these terrorists know.”74 **This last point about facilitating information-gathering shows that there are often synergies among the preventive approaches. Incapacitating individuals suspected of posing serious dangers may deter individuals from engaging in or supporting dangerous activities. Disrupting major plots and interrogating the plotters may reveal a lot about how future schemes will be hatched and who among the many dangerous individuals remaining at large are most likely to play critical roles in those schemes. Any sound counterterrorism strategy will combine all of these elements** to some degree.75

**Plan legitimates Al Qaeda**

Joseph P. **Bielke**, Staff Judge Advocate, Pacific Air-Forces Australia, “AL-QAEDA & TALIBAN UNLAWFUL COMBATANT DETAINEES, UNLAWFUL BELLIGERENCY, AND THE INTERNATIONAL LAWS OF ARMED CONFLICT,” AIR FORCE LAW REVIEW, v. 55, 20**04** p. 84.

A carte blanche designation of Geneva Convention III POW status by the U.S. to Taliban and al-Qaeda unlawful combatants certainly would be politically expedient internationally. By letting captured Taliban and al-Qaeda reap and enjoy every benefit of POW status, the U.S. would mollify temporarily some U.S. detractors. But, such U.S. action would be wrong. Just as protected noncombatant civilians have borne the consequences of the Taliban and al-Qaeda's previous perfidies and patent violations of international law, protected noncombatant civilians would also then be relegated to shoulder and suffer all the concomitant burdens and costs of the Taliban and al-Qaeda being accorded POW status. **Shortsighted action to placate U.S. critics and dissentients momentarily would lastingly reward**, rather than penalize, **all unlawful combatants** who contravene international humanitarian law and LOAC intentionally, continually, and abhorrently. LOAC should never be utilized, construed, or developed in such a way that would benefit terrorists and rogue states that provide aegis to terrorists, or in such a way that would otherwise serve the ends of terrorism.

The negative prices that combatants who engage in armed conflict without meeting the requirements of lawful belligerency pay, that hostes humani generis pay, and that rogue states pay for unlawfully hosting or otherwise willfully supporting hostes humani generis, must remain high. **Endorsing captured al-Qaeda, the Taliban, or other agents of global terror as POW**s would be inapposite, as it **may be viewed as symbolically elevating their international status. It would be tantamount to bestowing tacit international recognition and credibility to their reprehensible objectives, appalling atrocities, and insidious terrorist tactics.**

#### Alt causes to lack of trust in the US

Tomei 2012 (September 17, Lizzy, “Anti-US protests and Arab public opinion: Q&A” <http://www.globalpost.com/dispatch/news/regions/middle-east/120917/anti-us-protests-and-public-sentiment-qa>)

**Surveys have shown** than **Muslims abroad believe that Americans do not respect Muslims or Islamic traditions.** Several polls have found this pattern, including Gallup polls across the Muslim world. The video played right into this way of thinking. **The protests may also reflect dissatisfaction with US/western foreign policies**. Various **survey research has shown that anti-American sentiment is usually based primarily on anger at US foreign policy** rather than a clash of cultures or values, **including**: Muslims’ **longstanding perceptions of a pro-Israel bias in the Palestinian-Israeli conflict, opposition to the US invasion of Iraq, the US handling of the war in Afghanistan**, and actions the US has taken to combat terrorism, including drone strikes. A recent Pew survey found that about nine in ten in Egypt and Jordan, eight in ten in Turkey and seven in ten in Tunisia oppose the use of drone strikes (as do majorities in several non-Muslim countries).

**\*\*Single issue fails – recruitment narrative is woven – multiple other components that work even if counter-terrorism strategy is working.**

**Lynch 2010**(Marc, Associate Professor of Political Science and the Director of the Institute for Middle East Studies at the George Washington University Elliot School of International Affairs, June, "Rhetoric and Reality: Countering Terrorism in the Age of Obama", http://www.cnas.org/files/documents/publications/CNAS\_Rhetoric%20and%20Reality\_Lynch.pdf)

**The nature of the threat** posed by al Qaeda **has changed significantly** in the years since 9/11. There are at least three interlocking dimensions to the al Qaeda challenge: the central organization, often termed al Qaeda Central; a network of affiliated movements; and a decentralized network of like- minded groups and individuals. Al Qaeda in any variant is no longer capable of attracting mass Arab support as it may have appeared back in 2001 and 2002. Its ability to appeal to mainstream Muslims as the avatar of resistance to the United States has dramatically declined since peaking mid-decade. However, its **ideology and networks have taken root in** several capable and resilient **local affiliates**, and in an increasingly active Western milieu. Despite years of pressure and the recent escalation of drone strikes that have reportedly decimated its leadership, the core of the organization remains intact – presumably in Pakistan – as does its ability to craft and disseminate narratives attractive to specific populations susceptible to radicalization. Recent plots against the American homeland sug - gest the possibility of a new strategy. U.S. strategy has begun to adapt, and should continue, to adapt to the evolving nature of the threat. Al Qaeda’s reduced mass appeal should not be taken for granted. In the months after 9/11, even as American forces were destroying al Qaeda’s sanctuary in Afghanistan, many feared that it was the vanguard of a mass movement capable of uniting Muslims against the West. Many Muslims who knew little about al Qaeda or bin Laden found the narrative it presented – of an America leading a global campaign against Islam – plausible. While al Qaeda was motivated by a distinctive salafi-jihadist ideology, **bin Laden’s** public rhetoric and the **propaganda** videos directed toward mainstream Arab audiences **focused on** issues of widely-shared Arab and Muslim concern: Palestine**, Iraq, domestic corruption and American hegemony**. After 9/11, **this narrative gained strength even as** al Qaeda’s **core leadership was scattered and damaged by** the American invasion of **Afghanistan**. Israel’s bloody **re-occupation of the West Bank** in April 2002, **the invasion of Iraq**, **Abu Ghraib**, Guantanamo and American rhetoric all fueled al Qaeda’s narrative. Its **propaganda wove** such **developments** **together** to argue that the United States was in fact at war with Islam – a belief that became alarmingly widespread across the Muslim world – and that al Qaeda represented the authentic leader of the Islamic world in that struggle.

**Allied Cooperation’s inevitable\*\***

**Mueller 12** (John, Prof @ Ohio State, Terrorism and Security, in “Controversies in Globalization,” page 149-150, CMR)

Overall, with 9/11 and subsequent activity, **bin Laden and his gang** seem mainly to **have succeeded in uniting the world**, including its huge Muslim portion, **against** their violent global **jihad**. **No matter how much they might disagree on other issues** (most notably America’s war on Iraq), **there is a compelling incentive for states** – including Arab and Muslim ones – **to cooperate to deal with** any international **terrorist** problem emanating from groups and individuals **connected to**, or sympathetic with, **al-Qaeda**. **Although these** multilateral **efforts**, particularly **by** such **Muslim States** as Sudan, Syria, Libya, Pakistan, and even Iran, **may not have received** sufficient **publicity, these countries have had a vital interest, because they felt directly threatened by the militant network**, and **their** diligent and aggressive **efforts have led to important breakthroughs against al-Qaeda**. ¶ **This** post-9/11 **willingness** of governments around the world to take on terrorists **has been reinforced and amplified as they reacted to subsequent,** if sporadic, **terrorist activity** with**in** **their own countries**. Thus a terrorist bombing in Balin in 2002 galvanized the Indonesia government into action and into extensive arrests and convictions. **When terrorists attacked** Saudis in **Saudi** Arabia in 2002, **that country** **seems**, very much for self-interested reasons, **to have become** considerably **more serious about** dealing with internal **terrorism**, including a clampdown on radical clerics and preachers. Some inept terrorist **bombings in** **Casablanca** in 2003 **inspired** a similar determined **crackdown by Moroccan authorities.** **The** main **result** **of** al-Qaeda-linked **suicide terrorism in Jordan** in 2003 **was to outrage** Jordanians and other **Arabs** against the perpetrators. Massive protests were held, and in polls, those expressing a lot of confidence in Osama Bin Laden to “do the right thing” plunged from 25 percent to less than 1 percent. In polls conducted in 35 predominately Muslim coutnries, more than 90 percent condemned bin Laden’s terrorism on religious grounds. [149-150]

**Intel sharing is sustainable**

**NYT**, 1/30/**’13**

(“Drone Strike Prompts Suit, Raising Fears for U.S. Allies”)

**The issue is more complex than drone-strike foes suggest**, the **current and former officials said, and is based on decades of cooperation** rather than a shadowy pact for the United States to do the world’s dirty work. **The arrangements for intensive intelligence** **sharing** by Western allies **go back to World War II, said** Richard **Aldrich, professor of international security at the University of Warwick**, when the United States, Canada, Britain, Australia and New Zealand agreed to continue to collaborate. “**There’s a very high volume of intelligence shared, some** of which is collected **automatically**, so it’s impossible to track what every piece is potentially used for,” said Mr. Aldrich, who is also the author of a history of the Government Communications Headquarters, the British signal-intelligence agency. **Britain’s history and expertise in South Asia means** that the **intelligence it gathers in Pakistan, Afghanistan and the tribal areas** in between **is in high demand**, Mr. Aldrich said. **The arrangement has been focused** recently **by** a chill in relations between the United States and Pakistan, and by **the shared war in Afghanistan. Other nations**, too, **intercept communications** in the region **that are shared broadly** with the United States, he said. In Afghanistan, for example, **German and Dutch forces run aggressive electronic interception operations**, he said, because their rules on collaborating with local interpreters are less stringent than those of the United States. A spokesman for the coalition forces in Afghanistan, Lt. Col. Lester Carroll, declined to give details about intelligence sharing, saying agreements were classified. But he confirmed that American military forces “do share information with other U.S. government organizations on a need-to-know basis.” Few argue against the notion that **European nations, many of which have been attacked by terrorists, have benefited from the drone killing**, however controversial, **of many of the most hardened Islamic extremist leaders.**

**\*\*Alt cause to intel sharing- spying scandal**

Claire **Davenport**, Huffington Post, **7-4**-2013 <http://www.huffingtonpost.com/2013/07/04/eu-parliament-spying_n_3546291.html>

**The European Parliament** **called** on Thursday **for** the **scrapping** of two **agreements granting the U**nited **S**tates **access to European** financial and travel **data** unless Washington reveals the extent of its electronic spying operations in Europe.¶ A non-binding resolution, passed by 483 votes to 98 with 65 abstentions, said **the U**nited **S**tates **should** **come clean about** its **surveillance** of email and communications data **or** **risk seeing the transatlantic information-sharing deals, created in the wake of the Sept. 11 attacks, torn up.**¶ The parliament cannot revoke the agreements without the support of European Union governments and the bloc's executive Commission, which looks unlikely.¶ But **the vote showed the depth of anger within the assembly** **over** revelations from former spy agency contractor Edward Snowden about **U.S**. electronic **eavesdropping** **on allies**.¶ Calls from some members of the parliament to suspend talks on a EU-U.S. free trade deal, due to start next week, were rejected, however. The trade deal will be negotiated by the European Commission on behalf of the 28-nation bloc, but the parliament can veto the final agreement, giving it leverage in the talks.¶ Both data-sharing deals - the Terrorist Finance Tracking Programme (TFTP) and Passenger Name Records (PNR) - were struck in the last decade, despite misgivings in parliament that they would grant the United States excessive access to European data.¶ The TFTP provides the U.S. Treasury with data stored in Europe on international financial transfers. The PNR agreement covers data provided by passengers when booking tickets and checking in on flights, and passes the information to the Department of Homeland Security.¶ Last month, U.S. officials confirmed the existence of an electronic spying operation codenamed PRISM, which according to Snowden collects data from European and other users of Google , Facebook, Skype and other U.S. companies.¶ In a separate leak, the United States was accused of eavesdropping on EU offices and officials.¶ While **many EU countries reacted angrily to the spying revelations**, France was the only one that initially called for the suspension of the trade talks.

**No WMD terrorism – lack of desire and capability – empirically the threat is overblown**

**Mueller 11**. John Mueller, Professor and Woody Hayes Chair of National Security Studies, Mershon Center for International Security Studies and Department of Political Science, “The Truth About al Qaeda”, 8/2/2011, <http://www.foreignaffairs.com/articles/68012/john-mueller/the-truth-about-al-qaeda?page=show>, CMR

The chief lesson of 9/11 should have been that small bands of terrorists, using simple methods, can exploit loopholes in existing security systems. But instead, **many** preferred to **engage in mass**ive **extrapolation**: **If 19 men could hijack four airplanes** simultaneously, the thinking went, then **surely al Qaeda would soon make an atomic bomb.** As a misguided Turkish proverb holds, "If your enemy be an ant, imagine him to be an elephant." The new information unearthed in Osama bin Laden's hideout in Abbottabad, Pakistan, suggests that the United States has been doing so for a full decade. **Whatever al Qaeda's threatening rhetoric and occasional nuclear fantasies, its potential as a menace**, particularly as an atomic one, **has been much inflated**. **The public has** now **endured a decade of dire warnings about** the imminence of a **terrorist atomic attack**. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." **Few**, it seems, **found** much **solace in** the fact **that** **an al Qaeda computer** seized in Afghanistan in 2001 **indicated** that **the group's budget for research on w**eapons of **m**ass **d**estruction (almost all of it focused on primitive chemical weapons work) **was** some **$2,000** to $4,000. In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. A multi-agency task force has completed its assessment, and according to first reports, it has found that **al Qaeda members have** **primarily been engaged in dodging drone strikes and complaining about how cash-strapped they are**. Some **reports suggest** **they've** also **been looking at quite a bit of porn**ography. The full story is not out yet, but **it seems breathtakingly unlikely that the miserable little group has** had **the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a** fancy, super-high-tech **facility to fabricate a bomb**. **It** is a process that **requires trusting corrupted foreign collaborators** and other criminals, **obtaining and transporting** highly guarded **material**, **setting up a** machine **shop staffed with top scientists** and technicians, **and rolling the** heavy, cumbersome, and untested finished **product into position to be detonated by a skilled crew**, all the **while attracting no attention from outsiders.** The documents also reveal that after fleeing Afghanistan, bin Laden maintained what one member of the task force calls an "obsession" with attacking the United States again, even though 9/11 was in many ways a disaster for the group. It led to a worldwide loss of support, a major attack on it and on its Taliban hosts, and a decade of furious and dedicated harassment. And indeed, bin Laden did repeatedly and publicly threaten an attack on the United States. He assured Americans in 2002 that "the youth of Islam are preparing things that will fill your hearts with fear"; and in 2006, he declared that his group had been able "to breach your security measures" and that "operations are under preparation, and you will see them on your own ground once they are finished." Al Qaeda's animated spokesman, Adam Gadahn, proclaimed in 2004 that "the streets of America shall run red with blood" and that "the next wave of attacks may come at any moment." The **obsessive desire notwithstanding**, such **fulminations have clearly lacked substance**. Although hundreds of millions of people enter the United States legally every year, and countless others illegally, **no true al Qaeda cell has been found in the country since 9/11** and exceedingly few people have been uncovered who even have any sort of "link" to the organization. The closest effort at an al Qaeda operation within the country was a decidedly nonnuclear one by an Afghan-American, Najibullah Zazi, in 2009. Outraged at the U.S.-led war on his home country, Zazi attempted to join the Taliban but was persuaded by al Qaeda operatives in Pakistan to set off some bombs in the United States instead. Under surveillance from the start, he was soon arrested, and, however "radicalized," he has been talking to investigators ever since, turning traitor to his former colleagues. Whatever training Zazi received was inadequate; he repeatedly and desperately sought further instruction from his overseas instructors by phone. At one point, he purchased bomb material with a stolen credit card, guaranteeing that the purchase would attract attention and that security video recordings would be scrutinized. Apparently, his handlers were so strapped that they could not even advance him a bit of cash to purchase some hydrogen peroxide for making a bomb. For al Qaeda, then, the operation was a failure in every way -- except for the ego boost it got by inspiring the usual dire litany about the group's supposedly existential challenge to the United States, to the civilized world, to the modern state system. Indeed, **no** Muslim **extremist has succeeded in detonating** even **a simple bomb in the U**nited **S**tates **in the last ten years**, and except for the attacks on the London Underground in 2005, neither has any in the United Kingdom. **It seems wildly unlikely that al Qaeda is remotely ready to go nuclear**. Outside of war zones, the amount of killing carried out by **al Qaeda** and al Qaeda linkees, maybes, and wannabes throughout the entire world since 9/11 stands at perhaps a few hundred per year. That's a few hundred too many, of course, but it **scarcely presents an existential**, or elephantine, **threat**. And **the likelihood that a**n **American will be killed by a terrorist** of any ilk **stands at one in 3.5 million per year**, even with 9/11 included. **That probability will remain unchanged** unless terrorists are able to increase their capabilities massively -- and obtaining nuclear weapons would allow them to do so. Although al Qaeda may have dreamed from time to time about getting such weapons, no other terrorist group has even gone so far as to indulge in such dreams, with the exception of the Japanese cult **Aum Shinrikyo**, which leased the mineral rights to an Australian sheep ranch that sat on uranium deposits, purchased some semi-relevant equipment, and tried to buy a finished bomb from the Russians. That experience, however, **cannot be very encouraging to** the would-be atomic **terrorist**. Even though it was flush with funds and undistracted by drone attacks (or even by much surveillance), **Aum Shinrikyo abandoned its atomic efforts in frustration very early on. It then moved to bio**logical **weapons**, another complete failure that inspired its leader to suggest that fears expressed in the United States of a biological attack were actually a ruse to tempt terrorist groups to pursue the weapons. **The group did** finally **manage to release some sarin gas** in a Tokyo subway **that killed 13 and led to the group's terminal shutdown, as well as to 16 years** (and counting) **of pronouncements that WMD terrorism is the wave of the future. No elephants there, either**.

**\*\*Zero risk of nuclear terrorism – they are wrong about everything**

-desire

-no theft

-no transport

-can’t build it

-too expensive

-1/3 billion chance

-can’t buy it

-no loose nukes

**Mueller, ’10** – **professor of political science at Ohio State University** and author of Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda, more qualed than your tool-authors [John, “Calming Our Nuclear Jitters”, Winter, http://www.issues.org/26.2/mueller.html, CMR]

A daunting task Politicians of all stripes preach to an anxious, appreciative, and very numerous choir when they, like President Obama, proclaim atomic terrorism to be “the most immediate and extreme threat to global security.” It is the problem that, according to Defense Secretary Robert Gates, currently keeps every senior leader awake at night. This is hardly a new anxiety. In 1946, atomic bomb maker J. Robert Oppenheimer ominously warned that if three or four men could smuggle in units for an atomic bomb, they could blow up New York. This was an early expression of a pattern of dramatic risk inflation that has persisted throughout the nuclear age. In fact, although expanding fires and fallout might increase the effective destructive radius, the blast of a Hiroshima-size device would “blow up” about 1% of the city’s area—a tragedy, of course, but not the same as one 100 times greater. In the early 1970s, nuclear physicist Theodore Taylor proclaimed the atomic terrorist problem to be “immediate,” explaining at length “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time he thought it was already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.” Three decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. **In contrast to** these **predictions, terrorist groups seem to have exhibited only** limited desire **and even** less progress **in going atomic**. This may be because, **after brief exploration of the possible routes, they**, unlike generations of alarmists, **have discovered** that **the tremendous effort required is scarcely likely to be successful.** The most plausible route for terrorists, according to most experts, would be **to manufacture an atomic device** themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, **remains** a **daunting** one, **requiring** that **a considerable series of difficult hurdles be conquered** and **in sequence**. **Outright** armed **theft** of fissile material **is exceedingly unlikely** not only **because** **of** the resistance of **guards**, but because **chase would be immediate**. A more promising approach would be **to corrupt insiders** to smuggle out the required substances. However, this **requires the terrorists** to **pay off a host of greedy confederates**, including brokers and money-transmitters, **any one of whom could turn on them** **or**, either out of guile or incompetence, **furnish them with stuff that is useless**. **Insiders might** also **consider** the possibility that once the heist was accomplished, the **terrorists** would, as analyst Brian Jenkins none too delicately puts it, “**have every incentive to** cover their trail, beginning with **eliminat**ing **their confederates**.” If **terrorists** were somehow successful at obtaining a sufficient mass of relevant material, they **would then** probably **have to transport it a long distance over unfamiliar terrain** and probably **while being pursued** by security forces. Crossing international borders would be facilitated by following established **smuggling routes**, but these are not as chaotic as they appear and **are often under** the **watch** of suspicious and careful criminal regulators. If **border personnel** became suspicious of the commodity being smuggled, some of them **might find it in their interest to disrupt passage,** perhaps to **collect the bounteous reward money** that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, **terrorists would need** to set up **a large and well-equipped machine shop** to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. **The group would have to be assembled and retained for the monumental task** **while no consequential suspicions were generated** among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of **the bomb-building team would** also **have to be utterly devoted** to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland‘s Spiez Laboratory, bluntly conclude that **the task “could hardly be accomplished by a subnational group.”** They point out that **precise blueprints are required**, not just sketches and general ideas, and that **even with a good blueprint the terrorist group would** most certainly **be forced to redesign**. They also stress that **the work is difficult, dangerous, and extremely exacting,** and that **the technical requirements** in several fields **verge on the unfeasible**. Stephen Younger, former director of nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that **uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.“** Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “**to think that a terrorist group**, working in isolation with an unreliable supply of electricity and little access to tools and supplies” **could fabricate a bomb “is** farfetched at best.”Under the best circumstances, the process of **making a bomb could take** months or even **a year or more**, which would, of course, have to be carried out **in utter secrecy.** In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, **the finished product**, weighing a ton or more, **would** then **have to be transported** to **and smuggled into the relevant target country where it would have to be received by collaborators who are** at once **totally dedicated and technically proficient** at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. **The financial costs** of this extensive and extended operation **could** easily **be**come **monumental**. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but **the vast conspiracy** also **requires the subversion of a considerable array of criminals and opportunists**, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, **the likelihood** that a group could surmount a series of them quickly **becomes vanishingly small**. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic **terrorists** would effectively be required to go though an exercise that looks much like this. If and when they do, they **will** **undoubtedly conclude** that **their prospects are daunting and** accordingly uninspiring or even **terminally dispiriting**. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, **assuming** the **terrorists have a 50% chance of overcoming each of the 20 obstacles**—**the chances** that a concerted effort would be successful **comes out to be less than one in a million.** **If one assumes**, somewhat **more realistically**, that their **chances** at each barrier **are one in three,** **the cumulative odds** that they **will be** able to pull off the deed drop to one in well over three billion. Other routes would-be **terrorists** might take to acquire a bomb are even more problematic. They **are** **unlikely to be given or sold a bomb** by a generous like-minded nuclear state for delivery abroad **because the risk would be high**, even for a country led by extremists, **that the bomb** (and its source) **would be discovered** even before delivery or that it would be exploded in a manner and on a target the donor would not approve, including on the donor itself. **Another concern would be** that **the terrorist group might be infiltrated by foreign intelligence.** The terrorist group might also seek to steal or illicitly purchase a “loose nuke“ somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, **finished bombs have been out-fitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with**. **And there are other security techniques**: **Bombs can be kept disassembled with the component parts stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required** not only to use the bomb but to store, maintain, and deploy it. As Younger points out, “only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” There could be dangers in the chaos that would emerge if a nuclear state were to utterly collapse; Pakistan is frequently cited in this context and sometimes North Korea as well. However, even under such conditions, **nuclear weapons would** probably **remain under heavy guard** by people who know that a purloined bomb might be used in their own territory. They would still have locks and, in the case of Pakistan, the weapons would be disassembled.

**\*\*No retaliation**

* Delay in identification – bad forensics – too many countries – lack of data – turf battles

**Erwin and Manguson ‘9**

(Sandra and Stew, National Defense “7 Deadly myths about weapons of terror” 6-1, 94:667 lexis)

4 Myth: If the U.S. Were the Victim of a Nuclear Attack, It Would Immediately Retaliate \* Under the nightmare scenario of a nuclear bomb exploding in a U.S. city, the implied assumption is that the nation's leaders would immediately be able to fire back. That would be the case under the Cold War rules of nuclear retaliation, but **the situation is far more complicated when nuclear attacks are perpetrated by** non-state actors such as **terrorist** organizations. Unless the weapon is delivered by a missile, **immediate retaliation is not realistic,** experts said. **It could take** weeks or **months to figure out where the nuclear materials came from** or how the explosive device was built. No state or terrorist group would choose to launch a nuclear weapon by missile because we would know the origin, said Evan Montgomery, of the Center for Strategic and Budgetary Assessments. The more likely means to execute a nuclear attack would be to smuggle the materials and build the bomb on U.S. soil, or steal a bomb and somehow manage to bring it into the United States. Either way, **U.S. nuclear experts may not be able to quickly determine the origin of the weapon once it's detonated. Forensics can take** weeks or **months**, said Charles Blair, director of the Center for Terrorism and Intelligence Studies and co-author of a recently published book titled, "Jihadists and Weapons of Mass Destruction." "**None of the systems we have now are** very **quick**," he said. "Government officials and the public would have to be willing to wait a while before we retaliate." Nuclear forensics usually is based on fallout and debris. Within hours, U.S. authorities could determine that it was a nuclear explosion. It would take up to a couple of days to determine if there was uranium, plutonium or a mix of the two in the weapon. It's known that eight nations have plutonium bombs, and six others have enough plutonium to build a bomb. **If there were a nuclear explosion of a plutonium based weapon, it could be** traced to **one of 14 countries. With uranium-based weapons**, it's more complicated. **There are 40 countries** that have enough uranium to build at least one bomb. That would take longer to track, said Blair. "You can take debris samples and compare them against known tests. You can within several weeks trace the design to known designs." Nuclear forensics would be far easier if there were a single global database that listed all known methods of creating uranium or plutonium, and catalogued the weapon designs, Blair said. But such a database is unlikely to ever materialize. **States prefer to not reveal information about the fissile materials they use or their methods for constructing a weapon. The world's largest nuclear powers**, the United States and Russia, both **go to great lengths to protect their top secret data** on the isotopic composition of their weapons grade plutonium. Even for the United States it's been a challenge to keep track of its own plutonium. Ola Dahlman, a nuclear physicist and advisor to the Swedish Ministry of Foreign Affairs, said there is one cubic meter of plutonium that the United States cannot account for. "Nobody is really concerned," he told National Defense. "But it shows how hard it is to keep track of things." Because plutonium is not a naturally occurring substance, it can only be made in reactors. Identifying the origin in this case would be somewhat easier because reactors have identifiable signatures. With uranium weapons the situation gets more complex because experts would have to figure out how it was enriched. "It doesn't leave many maces," said Blair. Considering how many nuclear weapons still exist on the planet, it may be shocking to many that **nuclear forensics is a vanishing science** in the United States, **The nation** currently **has only 40** to 45 **scientists** who are nuclear forensics experts working at national laboratories, said Blair. "**Most are pretty old and will be dying soon."** Only seven universities in the United States offer graduate degrees in radiochemistry, which is one of the primary drivers of nuclear forensics, says Blair. Of those seven programs, four are staffed by just one faculty member. **"The U.S. doesn't** really **have the brainpower** right now **to** really **attack this**," said Blair. It's also worth noting that **no single** U.S. government **agency is entirely responsible for nuclear attribution.** The Department of Homeland Security's Domestic Nuclear Detection Office comes the closest. It operates a nuclear forensic center that coordinates the work of seven agencies. But the lines of responsibility are blurred, Blair said. If an attack occurred, the FBI would probably step in right away to investigate but the national labs would want to preserve the evidence untouched so they could collect debris, Blair said. There would be **turf battles within the government**, which **would complicate the forensics work.**

**Solvency: 1NC**

**Executive will circumvent any legal challenges to detention**

**McNeal, 8**

(Law Prof-Penn State, Northwestern University Law Review Colloquy, “BEYOND GUANTANAMO, OBSTACLES AND OPTIONS,” 103 Nw. U. L. Rev. Colloquy 29, August, Lexis)

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

**A National Security Court devastates US credibility and violates several tenets of international law – normalized protections are key**

**Paust 8** - Professor at the University of Houston, a former U.S. Army JAG officer and member of the faculty of the Judge Advocate General’s School (The Case Against a National Security Court, http://warisacrime.org/node/37079)

JURIST Contributing Editor Jordan Paust of the University of Houston Law Center says that instituting **a** special "**national security court" to try terrorism** and related **cases** outside of the regular federal court structure **would perpetuate illegality and serve neither our traditional values nor the best interests of the United States**....¶ JURIST noted in June that a group of high-level national security experts convened by the Constitution Project had issued a report [PDF] opposing creation of a special national security court because it would pose “a grave threat to our constitutional rights”, and observed that a similar report issued by Human Rights First in May had stated that terrorism cases should be tried in the ordinary federal district courts [PDF]. Shortly afterward, also on JURIST, Professor Ben Davis warned against creating “Star Chamber justice” by establishing such a body.¶ Now, however, proponents of what Ben termed “un tribunal d’exception” are pushing the matter before Congress. For this reason, it is important to note several additional reasons why **a** special **national security court should not be created**.¶ During an actual armed conflict to which the laws of war apply, a national security court would have to comply with the customary and treaty-based requirements set forth in common Article 3 of the 1949 Geneva Conventions which, as noted in my book Beyond the Law, are absolute and minimum requirements applicable with respect to any person detained during either an internal or an international armed conflict. These mandate that a court be “regularly constituted” and afford “all the judicial guarantees” of due process that are reflected in customary international law – which include, at a minimum, those mirrored in Article 14 of the International Covenant on Civil and Political Rights (ICCPR).¶ The Supreme Court aptly affirmed in **Hamdan v. Rumsfeld** that the “core meaning” of the phrase “regularly constituted” has been authoritatively set forth in general commentary by the International Committee of the Red Cross and **excludes** “‘all special **tribunals’**” and requires that courts be “‘established ... [and] already in force in a country.’” While concurring in Hamdan, Justice Kennedy noted that there is little doubt that the phrase relates to “standards deliberated upon and chosen in advance.” **As Hamdan recognized, a court** (1) **must not be a “special” tribunal**, and (2) must already be in existence. **A special national security court simply could not meet the** first **test** and, if otherwise proper, could only operate prospectively with respect to incidents arising after its creation.¶ Additionally, a national security court would comply with common Article 3 only if it provides “all the judicial guarantees” of due process reflected in customary international law. As the Supreme Court stated in Hamdan, “[i]nextricably intertwined with the question of regular constitution is the evaluation of the procedures governing the tribunal,” and “the phrase ‘regularly constituted court’ ... must be understood to incorporate the barest of those trial protections that have been recognized by customary international law.” The Supreme Court correctly added that “[m]any of these [due process requirements] are described in Article 75 of [Geneva] Protocol I” and in “the same basic protections set forth” as minimum human rights to due process in Article 14 of the ICCPR. Importantly, customary minimum human rights to due process reflected in Article 14 of the ICCPR apply in any social context and pertain, therefore, even when the laws of war are not applicable.¶ As documented in Beyond the Law and recognized by the Supreme Court in Hamdan, **violations** of customary rights t**o due process would include**: (1) **preclusion of** the accused and **defense counsel** from learning what evidence was presented in closed hearings, (2) **admission of hearsay evidence**, (3) **admission of unsworn statements**, (4) **denial of access by an accused and defense counsel to evidence in the form of classified information**, (5) **denial of confrontation of all witnesses against an accused**, (6) **use of “evidence obtained through coercion**,” (7) **denial of the right to be tried in one’s presence** (absent disruptive conduct or consent), and (8) denial of review by a competent, independent, and impartial court of law (i.e., an Article III court). **It seems unavoidable that a special national security court** with special procedures that deviate from the federal rules of criminal procedure **would not be designed to enhance fairness**, **fully meet bilateral and multilateral treaty requirements of equality of treatment, or provide more general equal protection of the law to criminal accused**.¶ It is likely that some will propose the creation of a special court in order to facilitate convictions that would not be possible in a regular federal district court, especially through use of “evidence obtained through coercion” as part of what John Yoo and President Bush have admitted was a “common, unifying” plan or “program” of coercive interrogation that most know involves several manifest violations of customary and treaty-based international law and that can form the basis for criminal prosecution of (1) direct perpetrators, including those who authorized or ordered coercive interrogation; (2) leaders who were also or merely derelict in duty; (3) those who participated in a “joint criminal enterprise;” and (4) those who aided and abetted coercive interrogation or who were otherwise complicit (through memos or elsewise) in denials of rights under the laws of war, other violations of the laws of war, and violations of other international criminal law such as violations of the Convention Against Torture and customary prohibitions of secret detention. Quite clearly, lack of an intent to commit a crime would not obviate such forms of criminal responsibility and orders or authorizations will not lessen criminal responsibility for conduct that is manifestly unlawful. For example, an aider and abettor need only be aware that his or her conduct would or does assist that of a direct perpetrator. It is pertinent in this regard that there are reports that during multiple sessions in the White House beginning in 2002 Condoleezza Rice, Dick Cheney, George Tenet, Donald Rumsfeld, John Ashcroft, John Bellinger, and others viewed simulations of and/or discussed and approved use of waterboarding, the “cold cell,” use of dogs to instill intense fear in detainees, and stripping naked, among other patently illegal tactics that were to be used as part of the admitted program of coercive interrogation.¶ **Perpetuating illegality with a national security court would not serve our traditional values and the best interests of the United States, especially as we seek to regain our honor and international stature during a new Administration committed to the rule of law.**

**A special terror court would destroy legitimacy and rule of law, cause terror, and have multiple solvency issues**

**Human Rights First 09** (March 2009, non-profit, nonpartisan international human rights organization based in New York and Washington D.C., "The Case Against A Special Terrorism Court" Human Rights First) www.humanrightsfirst.org/wp-content/uploads/pdf/090323-LS-nsc-policy-paper.pdf

Human Rights First believes that **all** indefinite detention and **special court proposals**—whatever form they might take—**are unwise, unnecessary and should be rejected. The federal criminal courts have proven to be fully capable of handling the challenges posed by complex terrorism cases without compromising national security** or sacrificing standards of fairness and due process. **Our procedural safeguards and evidentiary standards comprise the bedrock of American justice. A decision to jettison them**, even for a small number of suspects, **would weaken our system as a whole, undermine America’s efforts to forge an international coalition to combat terrorism, and perpetuate the damage to America’s reputation** for fairness and transparency done by unjust trials and prolonged detention without charge at Guantánamo. Moreover, **the problems that plagued the military commission system**—with **prolonged litigation** over the applicable procedures and rules **and** increasingly **widespread dissention** within the military command structure—**do not favor the creation of a new court** to deal with these cases. **Establishing another separate, and secondary, system for terrorism suspects would only result in more legal challenges and would negate many of the strategic advantages of closing Guantánamo and ending military commissions.** Just as importantly, a **special terrorism court is not smart counterterrorism policy. Current U.S. counterinsurgency doctrine underscores the important strategic value of treating terrorism suspects as criminals**, rather than as military combatants, **in order to deprive them of legitimacy and undermine their support in the societies from which they seek recruits to their cause. Unjust detentions and trials at Guantánamo have fueled animosity toward the United States. These decisions also have undermined U.S. efforts to advance the rule of law around the world, which is critical to confronting the threat of terrorism. Creating a special terrorism court and a substitute system of detention without charge would perpetuate these errors** rather than solve them. **The new Congress and** the Obama **Administration have a window of opportunity to signal to the** American people and the **world that the policies of the Bush Administration were an aberration** and that, as it confronts the threat of terrorism, the United States is prepared to uphold the Constitution, restore the rule of law, and honor its international obligations. At **stake are the effectiveness of our counterterrorism strategy and the integrity of the American justice system.**

**Military commisions prove their proposal can’t work**

**Human Rights First 09** (March 2009, non-profit, nonpartisan international human rights organization based in New York and Washington D.C., "The Case Against A Special Terrorism Court" Human Rights First) www.humanrightsfirst.org/wp-content/uploads/pdf/090323-LS-nsc-policy-paper.pdf

**A** practical yet equally **serious problem with a special terrorism court is that it would require devising from scratch the procedures, precedents and body of law governing prosecutions. The U**nited **S**tates **has** already **walked down that path twice since September 11, both times without any success. The original military commissions**, created by the Bush Administration in November 2001, **were struck down by the Supreme Court in Hamdan v. Rumsfeld in June 2006.** The Hamdan Court held that President Bush did not have unilateral authority to set up the military commissions and found the commissions illegal under the Uniform Code of Military Justice and the Geneva Conventions.40 **A second generation of military commissions received congressional approval** with the passage of the Military Commissions Act (MCA) in December 2006.41 **But this system was also plagued by disarray, with abundant litigation over the legality of trying individuals for offenses that do not actually constitute war crimes, the potential ex post facto problems with prosecuting conduct not considered criminal until the passage of the MCA, and the scope and meaning of the rules and procedures applicable during military commission trials. These rules included permitting the introduction of coerced evidence, expressly permitting the admission of second-hand or hearsay evidence, and rules for classified information that allowed the government to withhold evidence tending to show innocence or lack of responsibility.** The MCA itself was just one component of the problem. **Military commissions proved vulnerable at every turn to unlawful command influence, manipulation, and political pressure.** Air Force Brig. Gen. Hartmann, formerly the Pentagon’s chief advisor to the military commissions, was disqualified from his role in three Guantánamo cases because of the perception that he was biased toward the prosecution.42 He eventually stepped down from his post. The military commissions also were an expensive use of scarce government resources. As of November 2007, the estimated annual cost of operating Guantánamo was 90 to 100 million dollars, an unspecified percentage of which was spent on staffing and resourcing the military commissions. The high-security detention facilities at Guantánamo cost 54 million dollars.43 And **the high-security court complex alone—built specifically for the 9/11 defendants who were charged but never tried—cost 12 million dollars. Not one trial was held in the high-security courtroom. The two trials that did occur both took place in a second, less expensive courtroom nearby. None of this bodes well for the creation of another new system.** Human Rights First urges Congress and the Obama Administration to weigh the inevitable costs of a new system against the benefits of trying cases in the federal courts. **Terrorism prosecutions would be challenging in any court, but the federal courts have a proven record of success. We should not underestimate the value of adhering to a system with experienced judges, established rules and procedures, and a broadly experienced bar to litigate the complex issues arising in terrorism cases.**

**NSC causes delays**

**Gude 08** (Ken, editor for the Guardian, 11-11-08, "Guantánamo's days are numbered" The Guardian) www.theguardian.com/commentisfree/cifamerica/2008/nov/11/barack-obama-guantanamo-bay

Let's hope that is true in this particular case, because along with the welcome news that the Obama transition team is drawing up plans to close Guantánamo, use US criminal courts for trials and release some detainees, the AP also reported **that "a third group of detainees – the ones whose cases are most entangled in highly classified information – might have to go before a new court designed especially to handle sensitive national security cases." This**, in short, **is a terrible idea, and** is in some ways **worse than the current military commissions process. Any attempt to circumvent a judicial system designed to ensure a fair trial will be met with deserved scorn and would likely lead to additional delays as defendants challenge procedures** designed specifically to relax evidentiary standards and restrict defence and public access to classified evidence. Furthermore, establishing a permanent court system created to ease the conviction of suspected terrorists would move the problem beyond Guantánamo. It is likely that only a handful of cases from Guantánamo are truly as difficult as some fear, but **a national security court would exist forever and would likely prove an irresistible avenue for prosecutors eager to secure convictions.**

**Hitler votes neg, so you probably shouldn’t**

**Hornberger 10** (Jacob, founder and president of The Future of Freedom Foundation, 3-17-10, "Hitler's National Security Court" Information Liberation) www.informationliberation.com/?id=29333

Let’s make no bones about it. Adolf **Hitler**, who served as chancellor of Germany from 1933 to 1945, **could easily be the inspiration for those here in the U**nited **S**tates **now calling for** the creation of **a** special **national security court** for trying terrorists. After all, **it was Hitler who first established a national security court, and he did it for the same reason that U.S. proponents are now calling for such a court**: the concern that regular courts would fail to convict people that government officials knew were terrorists. Hitler’s national security court, which he established in 1934, was called the People’s Court. It consisted of a tribunal of judges, both civilian and military. There was no trial by jury consisting of regular citizens. The most famous of the lead judges of the People’s Court was a man named Roland Freisler, who presided over the now-famous trials of Hans and Sophie Scholl and the other members of the White Rose. Hitler established the People’s Court after the terrorist bombing of the German parliament building, the Reichstag. After a trial in a regularly constituted German court, many of the people charged with that terrorist act were acquitted, which, needless to say, outraged Hitler as much as it would have outraged current U.S. proponents of a national security court. After all, Hitler argued, those people who were acquitted were terrorists — otherwise they wouldn’t have been charged and prosecuted — and, therefore, they deserved to be convicted and punished, not acquitted and released. **To ensure that terrorists and other criminals were never again acquitted, Hitler established the People’s Court. Like the national security court that some Americans are now advocating for the United States, the purpose of the court was to create the appearance of justice while ensuring that terrorists and other criminals were convicted and punished. Proceedings before the People’s Court would easily serve as a model for U.S. advocates of a national security.** The trial of Hans and Sophie Scholl was over in less than an hour. Criminal defense lawyers were expected to remain silent during the proceedings, and did so. Defendants were presumed guilty and treated as such. Hearsay was permitted, as was evidence acquired by torture. There was no due process of law. Confessions could be coerced out of defendants. The judges on the tribunal would berate, humiliate, convict, and then swiftly issue sentences, including the death penalty. For a good example of how a national security court would operate here in the United States, see Part 13 and Part 14 of the great movie Sophie Scholl: The Final Days . Yes, **I know what the American proponents of a national security court would say in response: Just because Hitler was the first to establish such a court doesn’t necessarily mean that it is a bad thing. They would point out that Hitler’s People’s Court had an extremely high conviction rate, and they would claim that it kept the German people safe. Why**, perhaps **they might even recommend that a bust of Hitler be placed in America’s national security court,** much as the U.S. Social Security Administration has posted a bust of Otto von Bismarck, who was known as the Iron Chancellor of Germany, on its Social Security website. Proponents of a U.S. national security court would also undoubtedly point out that Hitler’s National Socialist regime also embraced such much-vaunted American socialist programs as public (i.e., government) schooling, social security, national health care, government-business partnerships, and a military-industrial complex. And they would remind us that Hitler’s socialist autobahn system served as the inspiration for America’s giant boondoggle of a public-works project known as the Interstate Highway System. But **shouldn’t the fact that it was Adolf Hitler who first came up with the idea of a national security court to make sure that terrorists and other criminals were duly convicted and punished at least be enough to raise eyebrows among the American people?**

## 2NC

### ER Compet: A2 “Perm do Both”

**Doesn’t solve prez powers - congressional silence is key**

Bellia 2

[Patricia, Professor of Law @ Notre Dame, “Executive Power in Youngstown’s Shadows” Constitutional Commentary, , 19 Const. Commentary 87, Spring, Lexis]

To see the problems in giving dispositive weight to inferences from congressional action (or inaction), we need only examine the similarities between courts' approach to executive power questions and courts' approach to federal-state preemption questions. If a state law conflicts with a specific federal enactment, n287 or if Congress displaces the state law by occupying the field, n288 a court cannot give the state law effect. Similarly, if executive action conflicts with a specific congressional policy (reflected in a statute or, as Youngstown suggests, legislative history), or if Congress passes related measures not authorizing the presidential conduct, courts cannot give the executive action effect. n289 When Congress is silent, however, the state law will stand; when Congress is silent, the executive action will stand. This analysis makes much sense with respect to state governments with reserved powers, but it makes little sense with respect to an Executive Branch lacking such powers. **The combination of** congressional silence **and judicial inaction** has the **practical** effect of creating power. Courts' reluctance to face questions about the scope of the President's constitutional powers - express and implied - creates three other problems. First, **the implied** presidential power given **effect** by virtue ofcongressional silence **and judicial inaction** can solidify into a broader claim**. When the Executive exercises an "initiating"** or "concurrent" **power, it will tie that power to a textual provision or to a claim about the structure of the Constitution.** Congress's silence **as a practical matter** tends to validate theexecutive rationale, and the Executive **Branch** maythen claim a power not only to exercise the **disputed** authority in the face of congressional silence, but also **to exercise the disputed authority** inthe face of congressional opposition. In other words, a power that the Executive Branch claims is "implied" in the Constitution may soon become an "implied" and "plenary" one. Questions about presidential power to terminate treaties provide a  [\*151]  ready example. The Executive's claim that the President has the power to terminate a treaty - the power in controversy in Goldwater v. Carter, where Congress was silent - now takes a stronger form: that congressional efforts to curb the power are themselves unconstitutional. n290

### ER Solv: Announcement

#### All 2ac solvency deficits are solved by Obama publicly renouncing his legal authority - the distinction is key

Posner, 9/3 (eric,Eric Professor of Law at Chicago Law School. An editor of The Journal of Legal Studies, he has also published numerous articles and books on issues in international law, Slate Magazine, 9/3/13, http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.¶ It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.

### ER Solv: Incorporating I-Law

#### Executive order incorporation of international law has massive symbolic and legal importance for future policy and court action-solves better than the plan

Nachbar-prof law Virginia-11

<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1967217>

Executive Order 13567: Executive Branch Policy Meets International Law in the Evolution of the Domestic Law of Detention

Conclusion Neither the Order nor the accompanying Fact Sheet will have a major impact on U.S. detention operations. The Order applies only to a small group of detainees, all of whom have been subjected to similar procedures in the recent past. The Fact Sheet’s signaling of compliance with Article 75 is not technically applicable to the current conflict, and ratification of AP II is still beyond the horizon. Moreover, the procedures contained in the Order (which do not differ dramatically from the procedures they replace) arguably conform with Article 75 and APII, neither of which contain robust procedures with regard to detention, except perhaps with regard to the use of classified information (an area in which states are likely to receive considerable leeway given the vague requirements of Article 75) and the continued detention of detainees identified for release but for whom the U.S. is unable to locate an acceptable non-U.S. destination. The procedures and substantive standards contained in the Order do not dramatically change the landscape of U.S. detention policy and practice, but that does not mean that the Order and the Fact Sheet are of no moment. The U.S. has previously been careful to maintain a strong approach to the lex specialis conception of LOAC, but Article 75 and AP II represent an approach to LOAC that more closely tracks human rights protections than earlier instruments, like the GCs themselves. It is often the executive branch that argues most strongly for the U.S.- exceptionalist view of international law; if the Fact Sheet signals a shift by the executive branch, it is likely to be followed by a shift by courts as well. In many times, the content of the international law of armed conflict has been mostly a matter of academic interest in the U.S., but today, many cases applying domestic law turn directly on the content of the law of armed conflict, which means that the content of international human rights law as implicated by a shifting approach to LOAC may soon find itself in domestic law, binding by U.S. federal courts on the conduct of the current armed conflict. Even those changes are, for the moment, hypothetical. The policy announced by the Fact Sheet – the administration’s willingness to embrace aspects of the law of armed conflict closely tied with international human rights law – has the potential for substantially altering the evolution of U.S. detention law and policy by providing even more space to incorporate international legal norms into U.S. domestic law. Of course, the most important implication of the Fact Sheet’s embrace of Article 75 and AP II is one for diplomats, not lawyers—at least not yet. By finally saying in a public forum that the U.S. will apply Article 75 in IAC out of a sense of legal obligation and that the administration will pursue ratification of AP II, the Obama administration is signaling future engagement with the international community on matters relating to armed conflict. Doing so likely changes the diplomatic landscape more than it does the legal landscape in the near term, although the impact over the long term may be more profound than the recognition of any particular rule or the ratification of any particular treaty. I leave it to the diplomats to debate whether that change should be welcomed.198

### Solves

#### CP solves detention—legis not k

Posner 13

(Eric Posner, a professor at the University of Chicago Law School, is a co-author of The Executive Unbound: After the Madisonian Republic and Climate Change Justice, “President Obama Can Shut Guantanamo Whenever He Wants” May 2, 2013, <http://www.slate.com/articles/news_and_politics/view_from_chicago/2013/05/president_obama_can_shut_guantanamo_whenever_he_wants_to.html>, KB)

The NDAA does not, however, ban the president from releasing detainees. Section 1028 authorizes him to release them to foreign countries that will accept them—the problem is that most countries won’t, and others, like Yemen, where about 90 of the 166 detainees are from, can’t guarantee that they will maintain control over detainees, as required by the law.¶ There is another section of the NDAA, however, which has been overlooked. In section 1021(a), Congress “affirms” the authority of the U.S. armed forces under the AUMF to detain members of al-Qaida and affiliated groups “pending disposition under the law of war.” Section 1021(c)(1) further provides that “disposition under the law of war” includes “Detention under the law of war without trial until the end of the hostilities authorized by” the AUMF. Thus, when hostilities end, the detainees may be released.¶ The president has the power to end the hostilities with al-Qaida—simply by declaring their end. This is not a controversial sort of power. Numerous presidents have ended hostilities without any legislative action from Congress—this happened with the Vietnam War, the Korean War, World War II, and World War I. The Supreme Court has confirmed that the president has this authority.

### Links ptx

#### The CP triggers Congressional follow-on and avoids confrontation

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -for better or for worse -as the authentic voice of America.

To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America.

This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### Flex: Overview 2NC [:40]

#### Impact frame- wars are impossible with credible deterrence

Matthew Waxman 8/25/13, Professor of Law @ Columbia and Adjunct Senior Fellow for Law and Foreign Policy @ CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN

There is a major disconnect here, though, between legal analysis and scholarship¶ of constitutional war powers – specifically, its predominant focus on actual military¶ engagements – and the way the United States wields its military might, especially since¶ the onset of the Cold War and extending into the 21st century. Often times the most¶ important policy tool derived from U.S. military power is not waging war – it is¶ threatening war or force. The power to threaten war is closely related to, but analytically¶ distinct from, the power to make it.¶ By “threats” in this Article I mean communicating the will and capability to use¶ military force, as a way to induce other actors to change behavior – whether to do¶ something or to not do something.12 During major periods of American history,¶ including the present one, U.S. strategy relied heavily on perceptions of U.S. military¶ might and willingness to use it; that is, it has relied on the manipulation of risk to deter¶ aggression or other actions by adversaries, to coerce or compel certain actions by other¶ states or international actors, to reassure allies, and to pursue other political designs under¶ the shadow of armed threats.13 The primary purpose to which U.S. military might has¶ been directed since World War II has generally been to prevent wars or avoid them; when¶ wars or large-scale force was actually used, it was because a prior policy or strategy had¶ failed, for instance, deterrent threats were insufficiently credible, crises involving U.S.¶ threats of force escalated in ways difficult to control, and so on – not because making war¶ was intended as the best approach to a danger or sometimes even that it was the expected¶ result. In this regard, most of the time that U.S. military power is “used” – and often¶ when it is most successful – it does not manifest as a war or major military engagement at¶ all.¶ Put another way, there is a basic paradox at work here, that if threats of force¶ work, force does not have to be used (at least not “used” in the sense that constitutional¶ lawyers’ think about it). Other things being equal, in theory the greater the credibility of¶ the threat, the less likely it will be necessary to make good on it. Because this argument¶ is about wars that *don’t* happen, though, it is difficult to develop empirical evidence to¶ support it. Accordingly, statesmen cannot be so sure of its validity and constitutional¶ lawyers’ tend to overlook it entirely.¶ There is a close parallel to this disconnect between legal discourse and security¶ strategy in international law. Article 2(4) of the UN Charter prohibits “*the threat* or use¶ of force against the territorial integrity or political independence of any state.”14¶ However, legal doctrine is not at all well developed with respect to threats beyond¶ prohibiting the most blatantly aggressive ones,15 nor is the regulation of threats of force¶ well theorized in legal scholarship.16 As with domestic law of American war powers, the¶ threat element has mostly disappeared from discussion, even though international¶ relations scholars recognize that threatened force is doing so much work.17¶ This Article is not a doctrinal argument. It is an argument about framing and¶ method, intended to fill an analytical gap and therefore to inform understanding of the¶ functional advantages and disadvantages of legal formulas for allocating war powers.18¶ Specifically, Part I of this Article contends that understanding evolution in¶ constitutional war powers and the merits or dangers of these developments requires¶ widening the data set and investigative lens to include threats of force and incorporating¶ the insights of the past several decades’ analysis by political scientists and scholars of¶ American grand strategy. Doing so reveals aspects of the war powers story obscured by¶ legal discourse and method focused predominantly on actual uses of force, and it alters¶ and refines the orthodox functional arguments usually relied on by both sides –¶ presidentialist (favoring vast unilateral executive authority to use force) and¶ congressionalist (favoring tight legislative checks on that authority) – of the war powers¶ debate. Most notably, and putting in game-theoretic terms, the debate between¶ presidentialist and congressionalist legal scholars about functional advantages takes place¶ only at the final stage of the decision tree; but the President’s ability to threaten force is¶ critically important at earlier stages in determining whether that final stage will even¶ occur at all.19

### Flex: Speed Key 2NC

#### Key to winning all future conflicts

Johson ‘6

Karlton, Army War College, “Temporal and Scalar Mechanics of Conflict Strategic Implications of Speed and Time on the American Way of War,” http://www.dtic.mil/dtic/tr/fulltext/u2/a449394.pdf

The U.S. Army War College uses the acronym “VUCA” to describe the volatile, uncertain, chaotic and ambiguous environment in which strategy is made.4 If the present is any indication of the future, then it is reasonable to assume that the world will become increasingly dangerous as long as that strategic environment exists. Many long-range assessments predict that global tensions will continue to rise as resources become even more constrained and as transnational threats endanger international security. 5 Future leaders and planners can expect to see weak and failed states persisting to dominate U.S. foreign policy agendas. Terrorism will remain a vital interest, and the use of American military strength will remain focused on the dissuasion, deterrence, and, where necessary, the preemption of strategic conflict. Enemies will work aggressively to offset U.S. military superiority by seeking out technologies that will offer some level of asymmetric advantage, and the challenging asymmetric nature of future conflicts will add deeper complexity to both war planning and the development of national security strategy. 6 The “National Defense Strategy of the United States,” published in March 2005, addressed the unconventional nature of the future. It argued that enemies are increasingly likely to pose asymmetric threats resulting in irregular, catastrophic and disruptive challenges.7 This means that, in some cases, non-state actors will choose to attack the United States using forms of irregular warfare that may include the use of weapons of mass destruction. These actors may also seek new and innovative ways to negate traditional U.S. strengths to their advantage.8 In fact, one author theorizes that “speed of light engagements” will be the norm by the year 2025, and America may lose its monopoly on technological advances as hostile nations close the gap between technological “haves” and “have nots.”9 This type of warfare lends itself to engagements of varying speed and temporal geometry. 10 Therefore, in conflicts of the future, time and speed will matter. Consequently, it is necessary to analyze these elements with rigor and discipline in order to understand their far-reaching implications.

### Flex Lx: AUMF 1NC

#### Plan causes broader fights and attacks on Obama’s war powers

**Bresnahan** 5/7/13 (John, “Senators discuss revising 9/11 resolution”, Politico, <http://dyn.politico.com/printstory.cfm?uuid=5D34D2EA-4EBE-461D-B44B-86AA6C3378A7>, CMR)

Top senators in both parties have begun talks to revise the congressional resolution authorizing the use of military force following the Sept. 11, 2001, attacks on the World Trade Center and the Pentagon, according to lawmakers and aides involved in the discussions.¶ Though in its early stages, such a debate could cause serious heartburn for the White House and party leaders seeking to push through any revised use-of-force resolution. A Senate floor fight over replacing the 9/11 resolution could lead to broader political battles on critical areas of President Barack Obama’s national security policy, including the war in Afghanistan, the use of armed drone attacks against suspected terrorists, treatment of detainees held in Guantanamo Bay, and the scope of the president’s authority as commander-in-chief to combat terrorism worldwide.

### Flex Lx: ID—Uniq 2NC

#### 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.

### Terror Link Turn: Ext1—Multiwarrant 2NC

#### Waxman

#### Recent evidenc eproves

Michael Tomatz, JAG & Colonel and Lindsey O. Graham, U.S. Senator, “NDAA 2012: Congress and Consensus on Enemy Detention,” AIR FORCE LAW REVIEW v. 69, 2013, LN.

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

#### They hinder vital battlefield intel gathering

Greg Jacob, attorney, “Detention Policies: What Role for Judicial Review?” ABA JOURNAL, 10—12,

www.abajournal.com/magazine/article/detention\_policies\_what\_role\_for\_judicial\_review/

Professor Vladeck simply cannot imagine how judicial review of military detentions, even in active theaters of war, could possibly disrupt the government’s war efforts. If the courts order that detainees be released, then judicial review was clearly necessary to correct erroneous detentions. And if the courts do not order that detainees be released, then what does the government have to complain about? By this standard, judicial review of military detentions is always justified, without regard to cost or outcome.¶ But of course, this standard does not measure the true cost of judicial review. It must be remembered that the kind of judicial review at issue here was not carefully constructed and balanced by our political leaders, but rather was imposed by the courts as a matter of constitutional requirement. The war on terror and the wars in Afghanistan and Iraq are wars of choice waged against vastly outmatched opponents, but constitutional requirements apply equally during wars of necessity in which the nation’s very survival is at stake. We held hundreds of thousands of prisoners of war during the Civil War and World War II—how is Professor Vladeck’s expansive judicial review supposed to be administered under such circumstances without seriously compromising our security interests? No practicable answer is even remotely suggested in my sparring partner’s essay.¶ Until the new kind of war presented by the war on terror came along, the courts uniformly recognized that war is a matter best handled by the political branches, and that at least in active theaters of combat operations, the judiciary should stay out. That is why the D.C. Circuit’s decision in Maqaleh is so important: It recognizes there are times and places in which the substantial costs in time, energy and resources that necessarily accompany the judiciary’s error-correcting function simply aren’t worth it, and to which the framers accordingly never intended to extend constitutional habeas protections. To be sure, the circumstances in which constitutional habeas protections do not apply are carefully circumscribed; U.S. citizens, for example, will always be entitled to habeas review. And after Boumediene, most if not all aliens detained domestically will be as well. But within that narrow sphere from which the judiciary has been excluded—and has by and large accepted its exclusion—the time, energy and resources at stake can be a matter of life or death for our troops, and for the nation as a whole.¶ Professor Vladeck does not believe the stakes could possibly be so high. And in a war of choice in which only a few hundred detainees being held an ocean away from the front lines are permitted access to our courts, perhaps they are not. But how could the military possibly have defended hundreds of thousands of habeas petitions in the midst of World War II? With the witnesses to captures primarily being front-line soldiers still engaged in fighting, should we pull half of Easy Company out of Operation Market Garden to type up detention affidavits? With military intelligence attempting to secure mission-critical information that could turn the tide of war, should we allow their operations to be chilled and disrupted by a stream of discovery requests? And having disarmed enemy troops on the battlefield and placed them in detention camps where they can do no further harm, should we rearm them with legal causes of action that will consume significant time and manpower to defend, and further provide them a public platform from which to denounce the United States? In light of these costs and disruptions, it is unsurprising that the Geneva Conventions, for example, do not even hint at any kind of judicial review requirement for the ordinary detention of military prisoners.

### --A2 “Allied Coop—Top” 2NC

#### --Stuff on cred disproves

#### The turn is empirically false

Alberto Gonzalez, former U.S. Attorney General, “President Obama’s Guantanamo Dilemma,” POLITIC 365, 5—27—13,

politic365.com/2013/05/27/president-obamas-guantanamo-dilemma/

The president also says that Guantánamo lessens cooperation with our allies on counterterrorism efforts. This is a remarkable assertion, based on my experience as attorney general. The Department of Justice benefited from tremendous cooperation with our allies in terms of communication, consultation and coordination on counterterrorism matters. The United States and our allies have worked well together sharing information to ensure the safety of our citizens against terrorism.

### Recruitment 2nc

#### Detention isn’t a big recruiting tool

Joscelyn 2010 (Thomas Joscelyn, December 27, 2010, “Gitmo Is Not Al Qaeda's 'Number One Recruitment Tool',” http://www.weeklystandard.com/blogs/gitmo-not-al-qaedas-number-one-recruitment-tool\_524997.html)

During a press conference on December 22, President Obama was asked about the difficulties his administration has encountered in trying to close Guantanamo. The president explained (emphasis added):¶ Obviously, we haven’t gotten it closed. And let me just step back and explain that the reason for wanting to close Guantanamo was because my number one priority is keeping the American people safe. One of the most powerful tools we have to keep the American people safe is not providing al Qaeda and jihadists recruiting tools for fledgling terrorists.¶ ¶ And Guantanamo is probably the number one recruitment tool that is used by these jihadist organizations. And we see it in the websites that they put up. We see it in the messages that they're delivering.¶ President Obama and his surrogates have made this argument before, but they have provided no real evidence that it is true. In fact, al Qaeda’s top leaders rarely mention Guantanamo in their messages to the West, Muslims and the world at large.¶ No journalist in attendance had the opportunity to challenge President Obama’s assertion. The president should have been asked: If Guantanamo is such a valuable recruiting tool, then why do al Qaeda’s leaders rarely mention it?¶ THE WEEKLY STANDARD has reviewed translations of 34 messages and interviews delivered by top al Qaeda leaders operating in Pakistan and Afghanistan (“Al Qaeda Central”), including Osama bin Laden and Ayman al Zawahiri, since January 2009. The translations were published online by the NEFA Foundation. Guantanamo is mentioned in only 3 of the 34 messages. The other 31 messages contain no reference to Guantanamo. And even in the three messages in which al Qaeda mentions the detention facility it is not a prominent theme.¶ Instead, al Qaeda’s leaders repeatedly focus on a narrative that has dominated their propaganda for the better part of two decades. According to bin Laden, Zawahiri, and other al Qaeda chieftains, there is a Zionist-Crusader conspiracy against Muslims. Relying on this deeply paranoid and conspiratorial worldview, al Qaeda routinely calls upon Muslims to take up arms against Jews and Christians, as well as any Muslims rulers who refuse to fight this imaginary coalition.¶ This theme forms the backbone of al Qaeda’s messaging – not Guantanamo.¶ To illustrate this point, consider the results of some basic keyword searches. Guantanamo is mentioned a mere 7 times in the 34 messages we reviewed. (Again, all 7 of those references appear in just 3 of the 34 messages.)¶ By way of comparison, all of the following keywords are mentioned far more frequently: Israel/Israeli/Israelis (98 mentions), Jew/Jews (129), Zionist(s) (94), Palestine/Palestinian (200), Gaza (131), and Crusader(s) (322). (Note: Zionist is often paired with Crusader in al Qaeda’s rhetoric.)¶ Naturally, al Qaeda’s leaders also focus on the wars in Afghanistan (333 mentions) and Iraq (157). Pakistan (331), which is home to the jihadist hydra, is featured prominently, too. Al Qaeda has designs on each of these three nations and implores willing recruits to fight America and her allies there. Keywords related to other jihadist hotspots also feature more prominently than Gitmo, including Somalia (67 mentions), Yemen (18) and Chechnya (15). ¶ Simply put, there is no evidence in the 34 messages we reviewed that al Qaeda’s leaders are using Guantanamo as a recruiting tool. Undoubtedly, “Al Qaeda Central” has released other messages during the past two years that are not included in our sample. Some of those messages may refer to Guantanamo. And some of the al Qaeda messages provided by NEFA, which does a remarkable job collecting and translating al Qaeda’s statements and interviews, may be only partial translations of longer texts.¶ However, the messages we reviewed also surely include most of what al Qaeda’s honchos have said publicly since January 2009. These messages do not support the president’s claim.

#### Aff can’t solve – the damage is already done

Drew 2009 (Anne Marie Drew, English instructor at US Naval Academy, visited Guantanamo Bay detention facilities, September 11, 2009, “Closing Guantanamo will be a mistake,” Christian Science Monitor, http://www.csmonitor.com/Commentary/Opinion/2009/0911/p09s01-coop.html)

The general perception of the detention camps is erroneous. What I saw was a state-of-the-art, climate-controlled, clean facility.¶ President Obama is determined to close these camps by winter. Gitmo, he said in May, "has weakened American national security. It is a rallying cry for our enemies.... By any measure, the costs of keeping it open far exceed the complications involved in closing it."¶ It will be wrong to close these camps, in what can only be a symbolic gesture, simply for the sake of closing them.¶ Whatever moral authority America has lost by its treatment of these detainees will not be regained by moving them. Whatever mistakes we made will not be erased. Closing Gitmo will not make us safer.¶ Many people believe that the executive order Mr. Obama issued just two days after taking office means shutting down torture chambers and freeing innocent detainees, held for years without due process.¶ It does no such thing.¶ The problems, real or imagined, will simply move if the camps close.¶ There is no geographic cure for Gitmo.¶ The executive order does not release the suspects. If they are not freed or deported, then they will be transferred. But moving them to another prison somewhere in the United States seems pointless at best and dangerous at worst.

### Recruit

**\*\*Single issue fails – recruitment narrative is woven – multiple other components that work even if counter-terrorism strategy is working.**

**Lynch 2010**(Marc, Associate Professor of Political Science and the Director of the Institute for Middle East Studies at the George Washington University Elliot School of International Affairs, June, "Rhetoric and Reality: Countering Terrorism in the Age of Obama", http://www.cnas.org/files/documents/publications/CNAS\_Rhetoric%20and%20Reality\_Lynch.pdf)

**The nature of the threat** posed by al Qaeda **has changed significantly** in the years since 9/11. There are at least three interlocking dimensions to the al Qaeda challenge: the central organization, often termed al Qaeda Central; a network of affiliated movements; and a decentralized network of like- minded groups and individuals. Al Qaeda in any variant is no longer capable of attracting mass Arab support as it may have appeared back in 2001 and 2002. Its ability to appeal to mainstream Muslims as the avatar of resistance to the United States has dramatically declined since peaking mid-decade. However, its **ideology and networks have taken root in** several capable and resilient **local affiliates**, and in an increasingly active Western milieu. Despite years of pressure and the recent escalation of drone strikes that have reportedly decimated its leadership, the core of the organization remains intact – presumably in Pakistan – as does its ability to craft and disseminate narratives attractive to specific populations susceptible to radicalization. Recent plots against the American homeland sug - gest the possibility of a new strategy. U.S. strategy has begun to adapt, and should continue, to adapt to the evolving nature of the threat. Al Qaeda’s reduced mass appeal should not be taken for granted. In the months after 9/11, even as American forces were destroying al Qaeda’s sanctuary in Afghanistan, many feared that it was the vanguard of a mass movement capable of uniting Muslims against the West. Many Muslims who knew little about al Qaeda or bin Laden found the narrative it presented – of an America leading a global campaign against Islam – plausible. While al Qaeda was motivated by a distinctive salafi-jihadist ideology, **bin Laden’s** public rhetoric and the **propaganda** videos directed toward mainstream Arab audiences **focused on** issues of widely-shared Arab and Muslim concern: Palestine**, Iraq, domestic corruption and American hegemony**. After 9/11, **this narrative gained strength even as** al Qaeda’s **core leadership was scattered and damaged by** the American invasion of **Afghanistan**. Israel’s bloody **re-occupation of the West Bank** in April 2002, **the invasion of Iraq**, **Abu Ghraib**, Guantanamo and American rhetoric all fueled al Qaeda’s narrative. Its **propaganda wove** such **developments** **together** to argue that the United States was in fact at war with Islam – a belief that became alarmingly widespread across the Muslim world – and that al Qaeda represented the authentic leader of the Islamic world in that struggle.

### Allied Coop 2NC

#### We will cooperate over terrorism w/EU regardless of relations

**Coessens 4** Page 1 V OL. III, N O. 1 , M ARCH 04 15 At Least in Fighting Terrorism, Transatlantic Cooperation Is Working By Philippe Coessens Philippe Coessens is the Head of Political, Academic, Justice, and Home Affairs at the Delegation of the European Commission in Washington, D.C. From 1998 to 2003, he was Head of Unit “European Correspondent” in the External Relations Directorate General. Before joining the Commission in 1991, he served in the Belgian Ministry of Foreign Affairs. This article first appeared in the Fall 2003 issue of European Affairs, a publication of the European Institute.

While disagreements between the United States and the European Union on a range of global issues have recently attracted attention, cooperation between the two sides of the Atlantic on counter-terrorism has been relatively successful. There can be no doubt that this is an area in which the European Union and the United States share common goals. It is clear that terrorism and associated problems such as drug traffick- ing, money laundering, illegal immigration, and organized crime are very much global issues. So the European Union’s anti-terrorism efforts can be said to have had a positive impact on the world in general, and on the United States in par- ticular. This applies not only to the Union’s internal achievements but also to its efforts to strengthen cooperation with other countries and its participation in multilateral forums such as the United Nations and the Group of Eight leading industrial nations. The European Union set to work on a new anti-terrorism initiative immediately after the terrorist attacks of September 11, 2001, convening a spe- cial meeting of the European Council barely a week later and coming up with a comprehensive action plan to support the United States in the face of the terror- ist attacks. The plan contained a series of actions aimed at enhancing police and judicial cooperation, developing international legal instruments, stepping up efforts to cut off terrorist financing worldwide (by immediately freezing assets of a substantial number of terrorist organizations), strengthening air security, and contributing to the systematic evaluation of relations with third countries in the light of their position on terrorism. Since then, the European Union and the United States have concluded a series of important bilateral agreements on police and judicial cooperation (notably agreements between Europol and the United States reinforcing the capability of law enforcement authorities to exchange data), as well as on mutu- al legal assistance and extradition. These, once fully in force, will make it eas- ier to bring to justice terrorists and other serious criminals in the jurisdictions where they are wanted. Inside the European Union, the focus has been on

judicial cooperation between member states, increased cooperation between police and intelligence services, border control, and measures to counter the financing of terrorism. Key achievements in these areas include agreement on a common European arrest warrant and an EU framework decision on combating terrorism, which includes a definition of terrorist offenses; a more closely coordinated scale of penalties; a common EU list of worldwide terrorist organizations; and mutual recognition of orders freezing the property of terrorists or securing evidence against them. Plans are also under way to develop more secure visas and travel documents. None of these agreements was easy to achieve. They are, however, already having real operational effects by improving the legal framework for fighting crime and terrorism throughout the European Union. The combination of these new instruments is effectively denying safe haven to those who finance, plan, support, or commit terrorist acts. In addition, the European Union has approved revised recommendations by the Financial Action Task Force aimed at stemming the flow of funds to terrorists and further cracking down on money laundering. The Union has also been developing a multi-faceted and more coordi- nated approach aimed at incorporating the fight against terrorism into all aspects of its foreign policy. For example, it is conducting threat analyses of various countries and regions (Central and Latin America, South and Southeast Asia) that are leading to concrete policy recommendations. In line with these recommendations, the European Union is launching pilot projects to help three priority countries (Indonesia, Pakistan, and the Philippines) curb terrorist financing, strengthen law enforcement, and develop more effective judicial systems. These countries and actions were chosen in consultation with the UN Counter-Terrorism Committee so as to assist their governments to implement UN Security Council Resolution 1373 of September 2001, which called for wide-ranging measures to fight terrorism. A second important step has been the introduction of anti-crime and anti-terrorism clauses in EU trade and cooperation agreements. Such clauses require the parties to exchange information on terrorist groups and their support organizations, with a view to preventing or punishing acts of terrorism. These provisions are being gradually included in agreements with Chile, Algeria, Egypt, and Lebanon, and currently figure in difficult negotiations for agree- ments with Syria, Iran, and the Gulf Cooperation Council. The Group of Eight (G8), which includes four EU member states (Britain, France, Germany, and Italy), along with representatives of the EU institutions, has also been quick to work toward implementing UN Security Council Resolution 1373. The G8 immediately recognized the need to provide technical assistance to other countries to help them to build the necessary capa- bilities to fulfill their obligations under the resolution. At its latest summit meeting, in Evian in June 2003, the G8 adopted an action plan that also concentrates on outreach activities and capacity building. The plan focuses on fighting terrorism in particular regions, such as South East and Central Asia, and in certain specific fields, such as reinforcing border secu- rity and equipping institutions to tackle money laundering and the financing of terrorist organizations. More generally, the U.S.-EU political dialogue on the entire issue of terrorism has deepened. Justice, home affairs, and counter-terrorism officials now meet regularly, and cooperation has substantially improved since 9/11. A great deal of work is also being done on both sides of the Atlantic on measures to counter the proliferation of weapons of mass destruction and their acquisition by terrorist groups, and on how to deal with so-called rogue states. The European Union also adopted an important policy document that lays out guiding principles and a concrete plan for further counter-terrorist action at a summit meeting in Thessaloniki in June. This plan sets the course for future action so that momentum in the fight against terror will not be lost. The verdict on all these efforts to improve transatlantic cooperation in the fight against terrorism must at this point be “so far, so good.” Since 9/11, cooperation has substantially improved. Intelligence has been flowing across the Atlantic in unprecedented volumes, a number of terrorist cells have been disrupted, and many suspected terrorists are being prosecuted in different European countries. The European Union and the United States share the same values and objectives. We are now also sharing some of the same tools available to curb terrorist activity. After all the discussions we have had about different approach- es to multilateralism on either side of the Atlantic, it is striking that in this field both sides are stressing the importance of the work of the United Nations and the Counter-Terrorism Committee. That shows that – on terrorism, at least – the European Union and the United States see eye-to-eye as actors in the internastional community.

### A/C Intel—Spying 2NC

#### Spy scandal thumps the intel internal link or proves cooperation is resilient- this ev postdates ALL 1AC internal links

#### Spy scandal scuttles US-EU intel sharing frameworks

LARA JAKES and FRANK JORDANS¶ Associated Press¶ 6-30-2013 <http://www.gazettenet.com/home/7240987-95/us-faces-european-backlash-on-spying>

The Obama administration faced a breakdown in confidence Sunday from key foreign allies who threatened investigations and sanctions against the U.S. over secret surveillance programs that reportedly installed covert listening devices in European Union offices.¶ U.S. intelligence officials said they will directly discuss with EU officials the new allegations, reported in Sunday’s editions of the German news weekly Der Spiegel. But the former head of the CIA and National Security Agency urged the White House to make the spy programs more transparent to calm public fears about the American government’s snooping.¶ It was the latest backlash in a nearly monthlong global debate over the reach of U.S. surveillance that aims to prevent terror attacks. The two programs, both run by the NSA, pick up millions of telephone and Internet records that are routed through American networks each day. They have raised sharp concerns about whether they violate public privacy rights at home and abroad.¶ Several European officials — including in Germany, Italy, France, Luxembourg and the EU government itself — said the new revelations could scuttle ongoing negotiations on a trans-Atlantic trade treaty that, ultimately, seeks to create jobs and boost commerce by billions annually in what would be the world’s largest free trade area.¶ “Partners do not spy on each other,” said EU Justice Commissioner Viviane Reding. “We cannot negotiate over a big trans-Atlantic market if there is the slightest doubt that our partners are carrying out spying activities on the offices of our negotiators. The American authorities should eliminate any such doubt swiftly.”¶ European Parliament President Martin Schulz said he was “deeply worried and shocked about the allegations of U.S. authorities spying on EU offices.” And Luxembourg Foreign Minister and Deputy Prime Minister Jean Asselborn said he had no reason to doubt the Der Spiegel report and rejected the notion that security concerns trump the broad U.S. surveillance authorities.¶ “We have to re-establish immediately confidence on the highest level of the European Union and the United States,” Asselborn told The Associated Press.¶ According to Der Spiegel, the NSA planted bugs in the EU’s diplomatic offices in Washington and infiltrated the building’s computer network. Similar measures were taken at the EU’s mission to the United Nations in New York, the magazine said. It also reported that the NSA used secure facilities at NATO headquarters in Brussels to dial into telephone maintenance systems that would have allowed it to intercept senior officials’ calls and Internet traffic at a key EU office nearby.¶ The Spiegel report cited classified U.S. documents taken by NSA leaker and former contractor Edward Snowden that the magazine said it had partly seen. It did not publish the alleged NSA documents it cited nor say how it obtained access to them. But one of the report’s authors is Laura Poitras, an award-winning documentary filmmaker who interviewed Snowden while he was holed up in Hong Kong.¶ Britain’s The Guardian newspaper also published an article Sunday alleging NSA surveillance of the EU offices, citing classified documents provided by Snowden. The Guardian said one document lists 38 NSA “targets,” including embassies and missions of U.S. allies like France, Italy, Greece, Japan, Mexico, South Korea, India and Turkey.¶ In Washington, a statement from the national intelligence director’s office said U.S. officials planned to respond to the concerns with their EU counterparts and through diplomatic channels with specific nations.¶ However, “as a matter of policy, we have made clear that the United States gathers foreign intelligence of the type gathered by all nations,” the statement concluded. It did not provide further details.¶ NSA Director Keith Alexander last week said the government stopped gathering U.S. citizens’ Internet data in 2011. But the NSA programs that sweep up foreigners’ data through U.S. servers to pin down potential threats to Americans from abroad continue.¶ Speaking on CBS’ “Face the Nation,” former NSA and CIA Director Michael Hayden downplayed the European outrage over the programs, saying they “should look first and find out what their own governments are doing.” But Hayden said the Obama administration should try to head off public criticism by being more open about the top-secret programs so “people know exactly what it is we are doing in this balance between privacy and security.”¶ “The more they know, the more comfortable they will feel,” Hayden said. “Frankly, I think we ought to be doing a bit more to explain what it is we’re doing, why, and the very tight safeguards under which we’re operating.”¶ Hayden also defended a secretive U.S. court that weighs whether to allow the government to seize Internet and phone records from private companies. The Foreign Intelligence Surveillance Court is made up of federal judges but does not consider objections from defense attorneys in considering the government’s request for records.¶ Last year, the government asked the court to approve 1,789 applications to spy on foreign intelligence targets, according to a Justice Department notice to Congress dated April 30. The court approved all but one — and that was withdrawn by the government.¶ Critics have derided the court as a rubber-stamp approval for the government, sparking an unusual response last week in The Washington Post by its former chief judge. In a statement to the newspaper, U.S. District Judge Colleen Kollar-Kotelly rebutted a draft NSA inspector general’s report that suggested the court collaborated with the executive branch instead of maintaining judicial independence. Kollar-Kotelly was the court’s chief judge from 2002 to 2006, when some of the surveillance programs were under way.¶ Some European countries have much stronger privacy laws than does the U.S. In Germany, where criticism of the NSA’s surveillance programs has been particularly vocal, Justice Minister Sabine Leutheusser-Schnarrenberger likened the spying outlined in the Der Spiegel report to “methods used by enemies during the Cold War.” German federal prosecutors are examining whether the reported U.S. electronic surveillance programs broke German laws.¶ Green Party leaders in the European Parliament called for an immediate investigation into the claims and called for existing U.S.-EU agreements on the exchange of bank transfer and passenger record information to be canceled. Both programs have been labeled as unwarranted infringements of citizens’ privacy by left-wing and libertarian lawmakers in Europe.

### Extradition 2NC

#### Don’t solve- they send to MILITARY court- their Hathaway says they block extradition when they are sent to CIVILIAN COURTS

many U.S. extradition treaties, including those with allies ¶ such as India and Germany, forbid extradition when the defendant will not be ¶ tried in a criminal court.

#### Can’t extra-dite if we say no

#### Creating a special court links- their 1AC

Kris, 2011 (David, Assistant Attorney General for National Security at the U.S. Department of Justice from March 2009 to March 2011 “Law Enforcement as a Counter Terrorism Tool” 6/15/2011 acc at http://jnslp.com//wp-content/uploads/2011/06/01\_David-Kris.pdf

Finally, the criminal justice system may help us obtain important¶ cooperation from other countries. That cooperation may be necessary if we¶ want to detain suspected terrorists or otherwise accomplish our national¶ security objectives. Our federal courts are well-respected internationally.¶ There are well-established, formal legal mechanisms that allow the transfer¶ of terrorism suspects to the United States for trial in federal court, and for¶ the provision of information to assist in law enforcement investigations –¶ i.e., extradition and mutual legal assistance treaties (MLATs). Our allies¶ around the world are comfortable with these mechanisms, as well as with¶ more informal procedures that are often used to provide assistance to the¶ United States in law enforcement matters, whether relating to terrorism or¶ other types of cases. Such cooperation can be critical to the success of a¶ prosecution, and in some cases can be the only way in which we will gain¶ custody of a suspected terrorist who has broken our laws.184¶ In contrast, many of our key allies around the world are not willing to¶ cooperate with or support our efforts to hold suspected terrorists in law of¶ war detention or to prosecute them in military commissions. While we hope that over time they will grow more supportive of these legal¶ mechanisms, at present many countries would not extradite individuals to¶ the United States for military commission proceedings or law of war¶ detention. Indeed, some of our extradition treaties explicitly forbid¶ extradition to the United States where the person will be tried in a forum¶ other than a criminal court. For example, our treaties with Germany¶ (Article 13)185 and with Sweden (Article V(3))186 expressly forbid extradition¶ when the defendant will be tried in an “extraordinary” court, and the¶ understanding of the Indian government pursuant to its treaty with the¶ United States is that extradition is available only for proceedings under the¶ ordinary criminal laws of the requesting state.187 More generally, the¶ doctrine of dual criminality – under which extradition is available only for¶ offenses made criminal in both countries – and the relatively common¶ exclusion of extradition for military offenses not also punishable in civilian¶ court may also limit extradition outside the criminal justice system.188 Apart¶ from extradition, even where we already have the terrorist in custody, many¶ countries will not provide testimony, other information, or assistance in¶ support of law of war detention or a military prosecution, either as a matter¶ of national public policy or under other provisions of some of our¶ MLATs.18 These concerns are not hypothetical. During the last Administration,¶ the United States was obliged to give assurances against the use of military¶ commissions in order to obtain extradition of several terrorism suspects to¶ the United States.190 There are a number of terror suspects currently in¶ foreign custody who likely would not be extradited to the United States by¶ foreign nations if they faced military tribunals.191 In some of these cases, it¶ might be necessary for the foreign nation to release these suspects if they cannot be extradited because they do not face charges pending in the¶ foreign nation.

#### Safe haven is silly- European coutnries don’t ned our hlp

#### London attack won’t be nuclear – emp denied- ev says conventional

Lister et al, 9/26 (Paul, Tim, and Nic, “Evidence suggests that Al-Shabaab is shifting focus to ‘soft’ targets” CNN. http://www.cnn.com/2013/09/26/world/london-bombing-plot-qaeda/index.html

(CNN) -- "Our objectives are to strike London with low-cost operations that would cause a heavy blow amongst the hierarchy and Jewish communities, using attacks similar to the tactics used by our brothers in Mumbai."¶

#### Says Al-shabaab--won’t go nuclear—

#### GSN 7-29-11 [“Qaeda WMD Threat Remains After Bin Laden's Death, Ex-Official Says,” http://www.nationaljournal.com/nationalsecurity/qaeda-wmd-threat-remains-after-bin-laden-s-death-ex-official-says-20110729]

The death of Osama bin Laden has not eliminated the danger that al-Qaida or an affiliated terrorist group will seek to carry out a strike using a biological or chemical weapon, the recently retired director of the U.S. National Counterterrorism Center said on Thursday. "We still have pockets of al-Qaida around the world who see this as a key way to fight us," the Associated Press quoted Michael Leiter as saying. "The potential threat from [Yemen-based] al-Qaida in the Arabian Peninsula is very real." "The most likely ... are simple forms of chemical or biological weapons" instead of a nuclear strike, Leiter said.

### Defense: WMD Terror 2NC

#### --And he’s most qualified

Harper 12 (Jim, director of information policy studies @ Cato, “Mueller Right; Terror Experts Wrong”, 1-11, <http://www.cato-at-liberty.org/mueller-right-terror-experts-wrong/>, CMR)

John Mueller was right and everyone else was wrong. (Well, not everyone else…)

That’s Cato senior fellow John Mueller. He noted on the National Interest blog last week that 79 per cent of top terrorism experts queried in 2006 thought it was likely or certain that there would be another major terrorist attack in the United States by the end of 2011. They got it wrong.

When the survey came out, it touted these experts as the “very people who have run America’s national-security apparatus over the past half century.” Mueller lampoons them thus:

The Very People’s 79 percent error rate is especially impressive because, although there had been quite a bit of terrorist activity in Iraq and elsewhere during the four-and-a-half years between 9/11 and when the survey was conducted, none of these attacks even remotely approached the destruction of the one on September 11.

Nor, for that matter, had any terrorist attack during the four-and-a-half millennia previous to that date. In addition, although terrorist plots have been rolled up within the United States, none of the plotters threatened to wreak destruction on anything like the scale of 9/11, except perhaps in a few moments of movieland-fantasy musings.

Mueller was one of few suggesting in 2006—and well before—that 9/11 might be more of an aberration than a harbinger. Mueller’s studied correctness so far is not proof of what the future holds, of course. If you want to, it is certainly possible to cling to the threat of terrorism and the metastasis of policies that purport to address your fears. Part of terrorism’s design is its operation on fear to produce cognitive errors like probability neglect, for example. But thanks to Mueller, terrorism is holding fewer and fewer people in thrall. It is a serious, but manageable security threat. Those still transfixed by terrorism may add another fear to their long list: They may be mocked by the man who knows the subject matter better.

### a/c topshelf

#### their parker says- drones, renditions, military commissions- spec turns intel sharing

Parker ‘12 Tom Parker, formerly policy director for Terrorism, Counterterrorism and Human Rights at Amnesty International USA. He is also a former officer in the British Security Service, “U.S. Tactics Threaten NATO” 9-17-12, <http://nationalinterest.org/commentary/us-tactics-threaten-nato-7461>, 8-03-13

A growing chasm in operational practice is opening up between the United States and its allies in NATO. This rift is putting the Atlantic alliance at risk. Yet no one in Washington seems to be paying attention.The escalating use of unmanned aerial vehicles to strike terrorist suspects in an increasing number of operational environments from the Arabian Peninsula to Southeast Asia, coupled with the continued use of military commissions and indefinite detention, is driving a wedge between the United States and its allies. Attitudes across the Atlantic are hardening fast. This isn’t knee-jerk, man-on-the-street anti-Americanism . European governments that have tried to turn a blind eye to U.S. counterterrorism practices over the past decade are now forced to pay attention by their own courts, which will restrict cooperation in the future.As recently as last month, the German federal prosecutor’s office opened a probe into the October 2010 killing of a German national identified only as “Buenyamin E.” in a U.S. drone strike in Pakistan. There are at least four other similar cases involving German nationals and several reported strikes involving legal residents of the United Kingdom.In March, Polish prosecutors charged the former head of Polish intelligence, Zbigniew Siemiatkowski, with “unlawfully depriving prisoners of the their liberty” because of the alleged role he played in helping to establish a CIA secret prison in northeastern Poland in 2002–2003.Last December, British Special Forces ran afoul of the UK courts for informally transferring two Al Qaeda suspects detained in Iraq, Yunus Rahmatullah and Amanatullah Ali, to U.S. forces. The British government has been instructed to recover the men from U.S. custody or face legal sanctions that could result in two senior ministers being sent to prison. Perhaps the most dramatic example illustrating the gap that has opened up between the United States and its European allies concerns the 2009 in absentia conviction of twenty-three U.S. agents in an Italian court for the role they played in the extraordinary rendition of radical Imam Hassan Mustafa Osama Nasr from Milan to Cairo.Britain, Poland, Italy and Germany are among America’s closest military partners. Troops from all four countries are currently serving alongside U.S. forces in Afghanistan, but they are now operating within a very different set of constraints than their U.S. counterparts.The European Court of Human Rights established its jurisdiction over stabilization operations in Iraq, and by implication its writ extends to Afghanistan as well. The British government has lost a series of cases before the court relating to its operations in southern Iraq. This means that concepts such as the right to life, protection from arbitrary punishment, remedy and due process apply in areas under the effective control of European forces. Furthermore, the possibility that intelligence provided by any of America’s European allies could be used to target a terrorism suspect in Somalia or the Philippines for a lethal drone strike now raises serious criminal liability issues for the Europeans. The United States conducts such operations under the legal theory that it is in an international armed conflict with Al Qaeda and its affiliates that can be pursued anywhere on the globe where armed force may be required. But not one other member of NATO shares this legal analysis, which flies in the face of established international legal norms. The United States may have taken issue with the traditional idea that wars are fought between states and not between states and criminal gangs, but its allies have not.The heads of Britain’s foreign and domestic intelligence services have been surprisingly open about the “inhibitions” that this growing divergence has caused the transatlantic special relationship, telling Parliament that it has become an obstacle to intelligence sharing. European attitudes are not going to change—the European Court of Human Rights is now deeply embedded in European life, and individual European governments cannot escape its oversight no matter how well disposed they are to assist the United States.The United States has bet heavily on the efficacy of a new array of counterterrorism powers as the answer to Al Qaeda. In doing so it has evolved a concept of operations that has much more in common with the approach to terrorist threats taken by Israel and Russia than by its European partners. There has been little consideration of the wider strategic cost of these tactics, even as the Obama administration doubles down and extends their use. Meanwhile, some of America’s oldest and closest allies are beginning to place more and more constraints on working with U.S. forces. NATO cannot conduct military operations under two competing legal regimes for long. Something has to give—and it may just be the Atlantic alliance.

#### Squo solves—Obama already rolled back the detention policies the EU cares about

Archick, 13 (Kristin, Specialist in European Affairs, July 5, “The European Union: Questions and Answers”, Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS21372.pdf>)

At times, however, the U.S.-EU political relationship has faced serious challenges. U.S.-EU relations hit a historic low in 2003 over the U.S.-led invasion of Iraq, which some EU members supported and others strongly opposed. In the aftermath of that crisis, the former George W. Bush Administration sought to improve cooperation and emphasize areas of partnership with the EU. U.S.-EU tensions on several key issues, such as Iran and the Israeli-Palestinian conflict, began to dissipate. The Obama Administration has also worked to bolster ties with the EU and has introduced some policies that have helped reduce U.S.-EU frictions further; for example, many terrorist detainee and interrogation practices, which the EU had long opposed as degrading shared values, have been reversed.

#### ( ) No US-Europe tension over detention. Not close to enough to hamper coop.

Archick ‘13

Kristin Archick; Specialist in European Affairs for the Congressional Research Service – “U.S.-EU Cooperation Against Terrorism” – CRS Reports – *September 4, 2013* – http://www.fas.org/sgp/crs/row/RS22030.pdf

U.S.-EU frictions over terrorist detainee policies have subsided to some degree since the start of the Obama Administration. EU and other European officials welcomed President Obama’s announcement in January 2009 that the United States intended to close the detention facility at Guantánamo within a year. They were also pleased with President Obama’s executive order banning torture and his initiative to review Bush Administration legal opinions regarding detention and interrogation methods. In March 2009, the U.S. State Department appointed a special envoy to work on closing the detention facility, tasked in particular with persuading countries in Europe and elsewhere to accept detainees cleared for release but who could not be repatriated to their country of origin for fear of torture or execution. Some EU members accepted small numbers of released detainees, but others declined.

**Ext4—Incrementalism 2NC**

#### The plan can’t match high expectations

Carpenter 11 (Ted Galen, Senior fellow for defense and foreign policy studies at the Cato Institute, 7/18, <http://www.cato.org/pub_display.php?pub_id=13573>, CMR)

There is a likely explanation for such a severe reaction. Most Arabs had few illusions about U.S. foreign policy toward their region under George W. Bush — or for that matter, under most of his predecessors. But Obama's initial rhetoric suggested that this time, there might be a real change in Washington's approach. The plummeting ratings in the new Zogby poll probably reflect dashed hopes. It is a very normal human reaction to regard a hypocritical adversary with even greater loathing than an adversary who makes no pretentions.

In that respect, the Arab reaction toward Obama's performance mirrors the reaction of Americans who thought that his foreign policy — and perhaps even his domestic economic policy — would be an improvement on the Bush years. Disillusioned supporters who have watched as Obama has dramatically escalated the ill-advised war in Afghanistan, continued to seek ways to prolong U.S. military presence in Iraq and persisted in lavishing money on the Pentagon, can empathize with Arabs who had hoped for better policies coming out of Washington. So, too, can Americans who held out at least faint hopes that Obama might be a new kind of Democrat — one who took the need for fiscal responsibility seriously.

### Heg—Ext 1—No Impact

#### Heg impacts empirically disproven—when the US cut engagement stability in the international system increased—studies prove—that’s fettweis

**SoPo/Cred: Econ Thumps SoPo 2NC**

#### Economic troubles kill soft power and US influence – outweighs the aff

**Neu 13** – senior economist at the nonprofit, nonpartisan RAND Corporation, B.S. in economics, California Institute of Technology; Ph.D. in economics, Harvard University; M.A. in economics, Harvard University (C. Richard, “U.S. 'Soft Power' Abroad Is Losing Its Punch”, <http://www.rand.org/blog/2013/02/us-soft-power-abroad-is-losing-its-punch.html>, CMR)

The way America flexes it economic muscle around the world is changing dramatically—and not necessarily for the better.¶ In 1997, facing a wave of sovereign debt defaults, the International Monetary Fund asked its member states to pledge lines of credit to support Fund rescue efforts. The United States and other nations did as asked. In 2009, the United States responded again to a call for expanded credit lines. When the Fund sought yet another expansion of these credit lines last April, 39 countries, including China, Russia, Brazil, Mexico, India, and Saudi Arabia, stepped up. Even cash-strapped Italy and Spain pledged support.¶ But the United States was conspicuously absent. A pledge from the United States requires congressional authorization. In the midst of last spring's contentious debate over U.S. government deficits and debts, support for an international body was a political nonstarter. Where the United States had previously demonstrated international leadership, other countries—some of them America's rivals for international influence—now make the running.¶ This is a small example of what may be a troubling trend: America's fiscal predicament and the seeming inability of its political system to resolve these matters may be taking a toll on the instruments of U.S. “soft power” and on the country's ability to shape international developments in ways that serve American interests.¶ The most potent instrument of U.S. soft power is probably the simple size of the U.S. economy. As the biggest economy in the world, America has a lot to say about how the world works. But the economics profession is beginning to understand that high levels of public debt can slow economic growth, especially when gross general government debt rises above 85 or 90 percent of GDP.¶ The United States crossed that threshold in 2009, and the negative effects are probably mostly out in the future. These will come at a bad time. The U.S. share of global economic output has been falling since 1999—by nearly 5 percentage points as of 2011. As America's GDP share declined, so did its share of world trade, which may reduce U.S. influence in setting the rules for international trade.¶ And it's not just the debt itself that may be slowing GDP growth. Economists at Stanford and the University of Chicago have demonstrated that uncertainty about economic policy—on the rise as a result of political squabbling over U.S. fiscal policy—typically foreshadows slower economic growth.¶ Investors may be growing skittish about U.S. government debt levels and the disordered state of U.S. fiscal policymaking.¶ From the beginning of 2002, when U.S. government debt was at its most recent minimum as a share of GDP, to the end of 2012, the dollar lost 25 percent of its value, in price-adjusted terms, against a basket of the currencies of major trading partners. This may have been because investors fear that the only way out of the current debt problems will be future inflation. The dollar has also given up a bit of its dominance as the preferred currency for international reserves among advanced economies. And the renminbi appears to have replaced the dollar as the “reference currency” for most of East Asia. (The good news is that in recent years U.S. banks have increased their share of deposits from foreigners, mostly at the expense of banks in London.)¶ More troubling for the future is that private domestic investment—the fuel for future economic growth—shows a strong negative correlation with government debt levels over several business cycles dating back to the late 1950s. Continuing high debt does not bode well in this regard.¶ But perhaps the worst consequences of U.S. debt are actions not taken.¶ U.S. international leadership has been based, in part, on contributions—political and financial—to major institutions and initiatives—International Monetary Fund, World Bank, General Agreements on Tariffs and Trade (and later World Trade Organization), NATO, North America Free Trade Agreement, the Marshall Plan, and so on. These served U.S. interests and made the world better.¶ But what have we done lately? The Doha round of trade negotiations has stalled. Ditto efforts at coordinated international action on climate change. Countries of the Arab Spring need rebuilding. Little progress is apparent on the Transpacific Partnership, a proposed new free-trade area. And warnings from the U.S. treasury secretary to his European counterparts about the dangers of failing to resolve the fiscal crisis in the eurozone met with public rebukes: Get your own house in order before you lecture us. Have U.S. fiscal problems undermined America's self confidence and external credibility to the extent that it can no longer lead?¶ And what about unmet needs at home—healthcare costs, a foundering public education system, deteriorating infrastructure, and increasing inequality? A strained fiscal situation that limits resources for action and absorbs so much political energy cannot be helping with any of these matters. But without progress on such things, what becomes of the social cohesion necessary for unified action abroad or the moral authority to lead other nations by example?¶ America's fiscal predicament is serious. The problem has become obvious in the last few years, but it has been building for decades, largely the result of promises of extensive social benefits without a corresponding willingness to pay for them.¶ Putting U.S. government financing on a sustainable path will require painful adjustments over a number of years—increased government revenue and painful reductions in government outlays, almost certainly including outlays for defense and international affairs. During the necessary period of fiscal adjustment and constrained government resources, U.S. international influence may decline yet further.¶ But there is no alternative to getting on with the task. The world has not yet found an acceptable substitute for U.S. leadership

## 1NR

### Debt: Overview 2NC

#### Failure to raise the debt ceiling collapses the economy – that outweighs case ---

#### A. Magnitude --- economic collapse causes extinction through global nuclear war --- 1NC Merlini. Magnitude first because you can only die once.

#### B. Timeframe ---- collapse by November if we don’t raise the debt ceiling

Sahadi 9/10 Jeanne, “Debt ceiling 'X date' could hit Oct. 18”, <http://money.cnn.com/2013/09/10/news/economy/debt-ceiling-bills-coming-due/index.html>, MCR

A new analysis by a think tank shows that **Washington's drop-dead deadline for the debt ceiling could hit as soon as Oct. 18**.¶ Estimating exactly when the Treasury Department will be unable to pay all the bills coming due if Congress fails to raise the nation's legal borrowing limit is notoriously difficult.¶ That's why, in an analysis released Tuesday, the Bipartisan Policy Center put the "X date" between Oct. 18 and Nov. 5.¶ Treasury Secretary Jack Lew has warned that **by mid-October the agency will have only $50 billion in cash on top of incoming revenue.**¶That may sound like a lot. But, as the Bipartisan Policy Center details, **it won't last very long**.¶ If the "X" date turns out to be Oct. 18, Treasury would run about $106 billion short of the money it owes between then and Nov.15. That means it wouldn't be able to pay the equivalent of a third of all the bills due during that period.¶ Here's why: Treasury handles about 80 million payments a month. Those payments are not evenly spaced out so on some days more is owed than on others. And the revenue flowing into federal coffers is unpredictable and varies from day to day.¶ Payments include IRS refunds, Social Security and veterans benefits, Medicare reimbursements for doctors and hospitals, bond interest owed investors, payments to contractors and paychecks for federal workers and military personnel.¶ If Congress fails to act in time, Treasury will have to make difficult -- and legally questionable -- decisions about who should get paid and who should be stiffed. It may decide to pay some bills in full and on time and not others.¶ Or it may decide to delay all payments due on a given day until it has sufficient revenue on hand to pay in full. in a Treasury Inspector General's report that this might be the most plausible and least harmful approach.¶ But under that scenario, **delays would grow over time from a day or two to several weeks**. For example, the payments due to seniors, veterans and active duty military personnel on Nov. 1 wouldn't go out until Nov. 13.¶ In any case, the expectation is that the agency will try to prioritize payments to bond investors over everyone else, lest the financial markets go haywire. Politically, of course, that carries risk, said Steve Bell, the senior director of the Bipartisan Policy Center's economic policy project.¶ "There's a political danger you'll be accused of paying bondholders over Social Security recipients," Bell said.¶ On both Oct. 23 and Nov. 14, $12 billion in Social Security benefits come due, while another $25 billion comes due on Nov. 1, according to the analysis.¶ Meanwhile, on Oct. 24, Treasury will have to roll over $57 billion in outstanding debt and another $115 billion on Oct. 31. Normally that's not a problem, because U.S. Treasury auctions attract a lot of buyers willing to purchase bonds at low rates.¶ But if those rollover dates come after the "X" date, and **the perception is that the United States is defaulting on some of its obligations, Treasury could have trouble finding enough buyers or investors could demand higher interest rates**.¶ The debt ceiling is currently set at $16.7 trillion. That ceiling was reached on May 19, and ever since Treasury has been using a host of special measures to keep the country's borrowing at or below that ceiling. But those measures will be exhausted by mid-October, according to Treasury.¶ If lawmakers want to raise the ceiling enough to get past the 2014 midterm elections in November, the Bipartisan Policy Center estimates they will have to raise it by $1.1 trillion to $17.8 trillion. To top of page

#### C. Controlling impact --- only economic collapse can make major war fashionable again.

Donald Kagan, Senior Associate @ Carnegie Endowment for International Peace, Summer 1999 [“Is Major War obsolete? An Exchange," Survival]

There is yet another more critical factor that cannot be taken for granted: the continuous prosperity that underlies the current situation. It is 70 years since the last world-wide depression began. Will this prosperous condition without such world-wide depressions last forever? What will happen if it does not? Europe and the world had trouble sin the 1920s, but it took the Great Depression to blow away liberal regimes in Germany and Japan, and to unleash monstrous bellicose forces. Are we sure that would not happen again? Since we cannot be sure that it will not, we must face the real possibility that major war may yet again come into fashion, and that it will take considerable effort, especially by the US, to keep it at bay.

### Growth Good: Terrorism—2NC

#### Turns terror recuritment

Bremmer 09(Ian, - President of the Eurasia Group, sr. fellow @ World Policy Institute, , 3/4/09, Foreign Policy, http://eurasia.foreignpolicy.com/posts/2009/03/04/the\_global\_recession\_heightens\_terrorist\_risks)

But there's another reason why the financial crisis heightens the risk of global terrorism. Militants thrive in places where no one is fully in charge. The global recession threatens to create more such places. No matter how cohesive and determined a terrorist organization, it needs a supportive environment in which to flourish. That means a location that provides a steady stream of funds and recruits and the support (or at least acceptance) of the local population. Much of the counter-terrorist success we've seen in Iraq's al Anbar province over the past two years is a direct result of an increased willingness of local Iraqis to help the Iraqi army and US troops oust the militants operating there. In part, that's because the area's tribal leaders have their own incentives (including payment in cash and weaponry) for cooperating with occupation forces. But it's also because foreign militants have alienated the locals. The security deterioration of the past year in Pakistan and Afghanistan reflects exactly the opposite phenomenon. In the region along both sides of their shared border, local tribal leaders have yet to express much interest in helping Pakistani and NATO soldiers target local or foreign militants. For those with the power to either protect or betray the senior al-Qaeda leaders believed to be hiding in the region, NATO and Pakistani authorities have yet to find either sweet enough carrots or sharp enough sticks to shift allegiances. The slowdown threatens to slow the progress of a number of developing countries. Most states don't provide ground as fertile for militancy as places like Afghanistan, Somalia, and Yemen. But as more people lose their jobs, their homes, and opportunities for prosperity -- in emerging market countries or even within minority communities inside developed states -- it becomes easier for local militants to find volunteers. This is why the growing risk of attack from suicide bombers and well-trained gunmen in Pakistan creates risks that extend beyond South Asia. This is a country that is home to lawless regions where local and international militants thrive, nuclear weapons and material, a history of nuclear smuggling, a cash-starved government, and a deteriorating economy. Pakistan is far from the only country in which terrorism threatens to spill across borders.

#### Turns intel and coop

Warrick 08 (Joby, staff writer, *Washington Post*, 11/15/08)

Intelligence officials are warning that the deepening global financial crisis could weaken fragile governments in the world's most dangerous areas and undermine the ability of the United States and its allies to respond to a new wave of security threats. U.S. government officials and private analysts say the economic turmoil has heightened the short-term risk of a terrorist attack, as radical groups probe for weakening border protections and new gaps in defenses. A protracted financial crisis could threaten the survival of friendly regimes from Pakistan to the Middle East while forcing Western nations to cut spending on defense, intelligence and foreign aid, the sources said. The crisis could also accelerate the shift to a more Asia-centric globe, as rising powers such as China gain more leverage over international financial institutions and greater influence in world capitals. Some of the more troubling and immediate scenarios analysts are weighing involve nuclear-armed Pakistan, which already was being battered by inflation and unemployment before the global financial tsunami hit. Since September, Pakistan has seen its national currency devalued and its hard-currency reserves nearly wiped out. Analysts also worry about the impact of plummeting crude prices on oil-dependent nations such as Yemen, which has a large population of unemployed youths and a history of support for militant Islamic groups. The underlying problems and trends -- especially regional instability and the waning influence of the West -- were already well established, but they are now "being accelerated by the current global financial crisis," the nation's top intelligence official, Director of National Intelligence Mike McConnell, said in a recent speech. McConnell is among several top U.S. intelligence officials warning that deep cuts in military and intelligence budgets could undermine the country's ability to anticipate and defend against new threats.

### Debt Impact: Economy Wall

**Economic decline causes war – studies prove**

**Royal**, Department of Defense Cooperative threat reduction director, 20**10** [Jedediah, Economic Integration, Economic Signaling and the Problem of Economic Crises, in Economics of War and Peace: Economic, Legal and Political Perspectives, p.213-4]

Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However**, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, the likelihood for conflict increases, as states will be inclined to use force to gain access to those resources**. **Crises could** potentially **be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states**.4 Third, others have considered **the link between economic decline and external armed conflict** at a national level. Bloomberg and Hess (2002) **find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn.** They write, **The linkages between internal and external conflict and prosperity are strong and mutually reinforcing**. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other (Bloomberg & Hess, 2002, p.89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg, Hess, & Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. ‘**Diversionary theory’ suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts** to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995), and Bloomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics arc greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that **periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force**. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas **political science scholarship links economic decline with external conflict** at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### Debt Uq: Will Pass 2NC

#### Boehner will negotiate on the debt limit now but political considerations are key and calculations could quickly change—that’s USA Today 10/4

#### Tentative breakthrough on debt limit—Boehner stresses importance of bipartisan negotiations

Fox News, 10/4, (Tom Cohen. Deirdre Walsh and Ed Payne, “Hope for debt limit deal rises while shutdown standoff remains mired”, 10/4/2013, <http://fox13now.com/2013/10/04/hope-for-debt-limit-deal-rises-while-shutdown-standoff-remains-mired/>)

House Speaker John Boehner and fellow GOP lawmakers meet to discuss the government shutdown Friday, a day after the Republican leader reportedly told fellow legislators that he won’t allow the United States to default on its debt. Congressional Republicans remain divided over how to structure legislation to raise the nation’s borrowing level, and with only two weeks before the debt ceiling deadline, there is still no plan to avoid a default. But at a meeting Thursday with House GOP members, Boehner said he would not allow a default to happen, even if it means getting help from Democrats, according to a Republican House member who requested anonymity to talk about the private meeting. A Boehner aide said Thursday that the speaker “has always said the United States will not default on its debt, so that’s not news.” Democratic Sen. Charles Schumer of New York cheered the prospect of the GOP leader refusing to block at least this measure, which President Barack Obama and his fellow Democrats strongly support. “This could be the beginnings of a significant breakthrough,” Schumer said in a statement. “Even coming close to the edge of default is very dangerous, and putting this issue to rest significantly ahead of the default date would allow everyone in the country to breathe a huge sigh of relief.” The potential breakthrough — at least on the debt limit — came two weeks before the government is set to run out of money to cover its roughly $16.7 trillion debt. If the debt ceiling isn’t bumped up, the country goes into default. Conservative Republicans want budget cuts in exchange for upping the credit limit. Boehner wrote this week in USA Today that “there is no way Congress can or should pass (a debt ceiling increase) without spending cuts and reforms to deal with the debt and deficit and help get our economy moving again.” He accused the president of refusing to negotiate; Obama and Democratic leaders have since said they are open to talks on any and all budgetary matters, but only after the government is reopened.

#### Debt limit will be raised now—Bipartisan deal key

CNN, 10/3, (Tom Cohen, Deirdre Walsh and Greg Botelho, “GOP legislator: Boehner won't let government default on its debt”, 10/30/2013, <http://www.cnn.com/2013/10/03/politics/government-shutdown-main/index.html>)

The federal government may not be hit with a double whammy on top of the ongoing shutdown, as House Speaker John Boehner told a group of fellow GOP legislators that he won't let the nation default on its debt, according to a House Republican. Boehner said that he'd set aside the "Hastert Rule" -- that Republicans would only bring measures up for a vote if they are backed by a majority of their caucus -- and rely on Democrats to pass a measure to raise the nation's debt limit, said the House member. This legislator attended a meeting Wednesday involving Boehner, but requested anonymity because that gathering was private. Congressional Republicans remain divided on how to structure legislation to raise the government's borrowing level. And an aide to the House speaker downplayed the development, saying, "Boehner has always said the United States will not default on its debt, so that's not news." Still, at least one Democrat -- Sen. Charles Schumer of New York -- cheered the prospect of the GOP leader refusing to block at least this measure that President Barack Obama and his fellow Democrats strongly support. "This could be the beginnings of a significant breakthrough," Schumer said in a statement. "Even coming close to the edge of default is very dangerous, and putting this issue to rest significantly ahead of the default date would allow everyone in the country to breathe a huge sigh of relief." GOP Rep.: You're beautiful but be honest Sen. Reid: I will not pick and choose GOP 'lemming caucus' blocking leadership The Ohio Republican's vow comes exactly two weeks before the government is set to run out of money to cover its roughly $16.7 trillion debt, unless Congress agrees to lift the so-called debt ceiling. That had long been routine in Washington -- until recently, that is, when conservative Republicans have pushed not to allow more borrowing without significant cuts. Boehner himself wrote earlier this week in USA Today that "there is no way Congress can or should pass (a debt ceiling hike) without spending cuts and reforms to deal with the debt and deficit and help get our economy moving again." He accused President Barack Obama of refusing to negotiate; Obama and fellow Democratic leaders have since said they are open to talks on any and all budgetary matters, but only after the government is reopened. Yet Boehner's comments signal that, at least on the debt ceiling issue, he's willing to allow a vote on a measure backed by top Democrats but not most Republicans in his chamber -- something he's refused to do with a Senate-passed measure to reopen the federal government, without any add-ons. Chief among those Democrats is Obama who, for all his strong rhetoric on ending the government shutdown, has said that avoiding a federal debt default is an even bigger necessity. He's insisted Congress pass such a measure, as is, without tying it to anything else. "As reckless as a government shutdown is, an economic shutdown that results from default would be dramatically worse," the president said in a speech Thursday in Rockville, Maryland. "There will be no negotiations over this." Obama challenges Boehner to allow 'yes-or-no vote' on shutdown While Boehner's comments suggest hope toward some common resolution on the debt ceiling, the government shutdown is another matter entirely.

### Debt Uq: A2 “Syria”

#### Syria problems are a distant memory - strength in the current fight gives him a major political edge

**O’Brien, 10/1/13 –** Political Reporter for NBC News (Michael, “Winners and losers of the government shutdown” <http://nbcpolitics.nbcnews.com/_news/2013/10/01/20763839-winners-and-losers-of-the-government-shutdown?lite>)

Nonetheless, after two-and-a-half years of standoffs and gridlock, the fact that a shutdown has finally come to pass — 17 days before Congress must also raise the debt ceiling, no less — could upend politics with unforeseen consequences for many of this fight's key players. Here is a look at some of the shutdown's winners and losers. Winners: President Barack Obama At the end of the day, Obama's signature domestic achievement — the Affordable Care Act — survived this fight intact. What's more, the president didn't have to offer any concessions in exchange for leaving his namesake "Obamacare" law alone. Unlike the 2011 debt-ceiling fight, when the administration agreed to the automatic spending cuts that would eventually form the basis of the sequester, this time the administration held the line and didn't yield much ground to Republicans. The developments mark a somewhat stunning turnaround for Obama's political fortunes over the last month. Just a few week's ago, the administration was struggling badly to win congressional approval for intervention in Syria — an initiative which had no less than Obama's second-term relevance riding on it. Now, Obama has dispensed with the Syria issue (for now) through diplomacy, and scored a major win over Republicans -- a rare victory, given the waning prospects for immigration reform or major gun control legislation during his presidency.

### Debt Internal: PC Key

#### Obama strength ensures passage

Anatole Kaletsky, “Game theory and America’s budget battle”, Reuters, 10/3, <http://blogs.reuters.com/anatole-kaletsky/2013/10/03/game-theory-and-americas-budget-battle/>, TB gender edties

Until recently, the Republicans believed October 17 would be their moment of maximum leverage, since President Obama would have no choice but to make concessions or face an economic meltdown. But now it is becoming clear that Republicans will be the ones facing maximum pressure as the debt limit draws near. Game theory teaches that in such confrontations we must assess the costs to the players of fighting and also of backing down. Republican Congress[people]men, if they continue fighting right up to the debt limit, will have to answer to voters for the economic mayhem that a Treasury default could cause. Obama, on the other hand, has nothing to fear from elections since he will never run again. The costs of retreat also favor the White House. For the president to back down and gut Obamacare would destroy what he sees as his greatest achievement and would confirm his lame duck status. For the Republicans, by contrast, allowing the budget and debt ceiling to pass would leave them exactly where they were a few weeks ago. In logic, such calculations should force the Republicans to back down quickly, extracting whatever small face-saving concessions the White House might offer them to avert any further political embarrassment and economic harm. Such concessions might include agreement to go ahead with the Keystone oil pipeline, or to reduce the unpopular excise tax on medical equipment, or to launch a formal process of discussions on revenue-neutral tax reforms. Many Republicans seem to be making such calculations. Within 48 hours of the government shutdown, the Washington Post had identified 18 Republican Congressmen who had publicly expressed willingness to vote with the Democrats on a “clean” budget resolution, plus four leaning that way — and the numbers were growing every hour. Since only 17 Republican defectors would be needed to pass the budget, the deadlock seemed almost over — and this whole manufactured crisis may indeed be resolved by the weekend

### GOP Unity High: F/L

#### GOP unity high despite shutdown

Associated Press 9/30 “Shutdown Imminent; GOP Unity Frays But Still Holds” http://baltimore.cbslocal.com/2013/09/30/obamacare-dispute-sends-govt-to-brink-of-shutdown/ [EDymit]

WASHINGTON (AP) — A threatened government shutdown imminent, House Republicans scaled back their demands to delay the nation’s health care law Monday night as the price for essential federal funding, but President Barack Obama and Democrats rejected the proposals as quickly as they were made.¶ “We’re at the brink,” said Sen. Barbara Mikulskihttp://images.intellitxt.com/ast/adTypes/icon1.png, D-Md.¶ On a long day and night in the Capitol, the Senate torpedoed one GOP attempt to tie government financing to changes in “Obamacare.” House Republicans countered with a second despite unmistakable signs their unity was fraying — and Senate Democrats promptly rejected it, as well.¶ That left the next move up to Speaker John Boehner and his House Republican rank and file, with just two hours remaining before the shutdown deadline of midnight EDT.¶ The stock markethttp://images.intellitxt.com/ast/adTypes/icon1.png dropped on fears that political gridlock between the White House and a tea party-heavy Republican Party would prevail, though analysts suggested significant damage to the national economy was unlikely unless a shutdown lasted more than a few days.¶ Still, a shutdown would send hundreds of thousands of workers home and inconvenience millions of people who rely on federal services or are drawn to the nation’s parks and other attractions. Some critical parts of the government — from the military to air traffic controllers — would remain open.¶ As lawmakers squabbled, President Barack Obama spoke bluntly about House Republicans. “You don’t get to extract a ransom for doing your job, for doing what you’re supposed to be doing anyway, or just because there’s a law there that you don’t like,” he said. Speaking of the health care law that undergoes a major expansion on Tuesday, he said emphatically, “That funding is already in place. You can’t shut it down.”¶ House Speaker John Boehner responded a few hours later on the House floor. “The American people don’t want a shutdown and neither do I,” he said. Yet, he added, the new health care law “is having a devastating impact. … Something has to be done.”