# 1nc

**The affirmative’s failure to read a topical plan undermines debate’s transformative potential**

**“United States Federal Government should” means the debate is solely about the outcome of a policy established by governmental means**

Ericson ’03 (Jon M., Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4)

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

**And independently important for limits and ground--- negative strategy is based on the “should” question of the resolution---there are an infinite number of reasons that the scholarship of their advocacy could be a reason to vote affirmative--- these all obviate the only predictable strategies based on topical action---they overstretch our research burden and undermine preparedness for all debates**

**Aff conditionality – without the plan text as a stable source of the offense the aff can shift their advocacy to get out of offense which discourages research and clash**

**The first impact is Deliberation**

**Debate over a clear and specific controversial point of government action creates argumentative stasis – that’s a prerequisite to the negative’s ability to engage in the conversation — that’s critical to deliberation**

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(David L. and Austin J., Argumentation and Debate: Critical Thinking for Reasoned Decision Making p. 45)

Debate is a means of settling differences, so there must be a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a tact or value or policy, there is no need for debate: the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four," because there is simply no controversy about this statement. (Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions on issues, there is no debate. In addition, debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants are in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity- to gain citizenship? Docs illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? I low are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification can!, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this "debate" is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies must be stated clearly. Vague understanding results in unfocused deliberation and poor decisions, frustration, and emotional distress, as evidenced by the failure of the United States Congress to make progress on the immigration debate during the summer of 2007. Someone disturbed by the problem of the growing underclass of poorly educated, socially disenfranchised youths might observe, "Public schools are doing a terrible job! They are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do something about this" or. worse. "It's too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as "What can be done to improve public education?"—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies. The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities" and "Resolved: That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about "homelessness" or "abortion" or "crime'\* or "global warming" we are likely to have an interesting discussion but not to establish profitable basis for argument. For example, the statement "Resolved: That the pen is mightier than the sword" is debatable, yet fails to provide much basis for clear argumentation. If we take this statement to mean that the written word is more effective than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, website development, advertising, or what? What does "effectiveness" mean in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be. "Would a mutual defense treaty or a visit by our fleet be more effective in assuring Liurania of our support in a certain crisis?" The basis for argument could be phrased in a debate proposition such as "Resolved: That the United States should enter into a mutual defense treatv with Laurania." Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advocates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

**The judge is a citizen working to boost black liberation - Debate is a question of skills not content – saying the world is dominated by whiteness is an inherency claim that voting aff can’t resolve – endorsing our political method teaches the tools that have a much better chance of dismantling those power structures**

**Paroske 11 -** Assistant professor of communication, Department of Communication and Visual Arts, University of Michigan ( Argumentation and Federal Rulemaking. Controversia; Fall2011, Vol. 7 Issue 2, p34-53, 20p ebsco)shaw

The process of democratic governance is more than a means to an end. Often, how we deliberate a policy is as important or even more important to the outcome of the debate than the underlying issue itself. Recent history is rife with examples of laws that rose and fell on the mechanics of voting in the legislative body or the parliamentary vehicles in which the legislation was offered. There is a normative element to deliberation in a democracy, and failure to vet an issue sufficiently is often seen as grounds for rejecting the legislation itself (Paroske, 2009). For example, it is routine for legislators of a minority party in Congress to denounce a pending bill because there were not enough hearings on the issue, or that a sufficient number or kind of amendments was not allowed, or even that the time devoted to debate on the floor was insufficient. These questions of process in legislation dominate headlines. Less studied, but perhaps even more interesting, are questions of process in a regulatory framework. Given its complexity, rulemaking is especially prone to process- oriented questions. Far more than legislation, rules must navigate a number of prescribed argumentative hurdles on their way to adoption. This raises the stakes for following proper procedure both logically and practically, as violating protocols makes it likely the rule will be rejected. In addition, the authority of agencies in the federal government is nebulous. Agency power to make rules is delegated by Congress, but there is little consensus on the degree of latitude that those designees hold. Since rulemakers lack constitu- tional warrants for coercing citizen behavior, they are highly susceptible to criticism of their authority and jurisdiction. Asked to act both independently and under the watch of the constitutional branches, rulemakers must pay careful attention to process.

**The second impact is government knowledge – debate’s key to in-depth governmental knowledge**

**Zwarensteyn 12**, Ellen, Thesis Submitted to the Graduate Faculty of GRAND VALLEY STATE UNIVERSITY In Partial Fulfillment of the Requirements For the Degree of Masters of Science, “High School Policy Debate as an Enduring Pathway to Political Education: Evaluating Possibilities for Political Learning,” August, <http://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1034&context=theses>

The first trend to emerge concerns how debate fosters in-depth political knowledge. Immediately, every resolution calls for analysis of United States federal government action. Given that each debater may debate in over a hundred different unique rounds, there is a competitive incentive thoroughly research as many credible, viable, and in-depth strategies as possible. Moreover, the requirement to debate both affirmative and negative sides of the topic injects a creative necessity to defend viable arguments from a multitude of perspectives. As a result, the depth of knowledge spans questions not only of what, if anything, should be done in response to a policy question, but also questions of who, when, where, and why. This opens the door to evaluating intricacies of government branch, committee, agency, and even specific persons who may yield different cost-benefit outcomes to conducting policy action. Consider the following responses: I think debate helped me understand how Congress works and policies actually happen which is different than what government classes teach you. Process counterplans are huge - reading and understanding how delegation works means you understand that it is not just congress passes a bill and the president signs. You understand that policies can happen in different methods. Executive orders, congress, and courts counterplans have all helped me understand that policies don’t just happen the way we learn in government. There are huge chunks of processes that you don't learn about in government that you do learn about in debate. Similarly, Debate has certainly aided [my political knowledge]. The nature of policy-making requires you to be knowledgeable of the political process because process does effect the outcome. Solvency questions, agent counterplans, and politics are tied to process questions. When addressing the overall higher level of awareness of agency interaction and ability to identify pros and cons of various committee, agency, or branch activity, most respondents traced this knowledge to the politics research spanning from their affirmative cases, solvency debates, counterplan ideas, and political disadvantages. One of the recurring topics concerns congressional vs. executive vs. court action and how all of that works. To be good at debate you really do need to have a good grasp of that. There is really something to be said for high school debate - because without debate I wouldn’t have gone to the library to read a book about how the Supreme Court works, read it, and be interested in it. Maybe I would’ve been a lawyer anyway and I would’ve learned some of that but I can’t imagine at 16 or 17 I would’ve had that desire and have gone to the law library at a local campus to track down a law review that might be important for a case. That aspect of debate in unparalleled - the competitive drive pushes you to find new materials. Similarly, I think [my political knowledge] comes from the politics research that we have to do. You read a lot of names name-dropped in articles. You know who has influence in different parts of congress. You know how different leaders would feel about different policies and how much clout they have. This comes from links and internal links. Overall, competitive debaters must have a depth of political knowledge on hand to respond to and formulate numerous arguments. It appears debaters then internalize both the information itself and the motivation to learn more. This aids the PEP value of intellectual pluralism as debaters seek not only an oversimplified ‘both’ sides of an issue, but multiple angles of many arguments. Debaters uniquely approach arguments from a multitude of perspectives – often challenging traditional conventions of argument. With knowledge of multiple perspectives, debaters often acknowledge their relative dismay with television news and traditional outlets of news media as superficial outlets for information.

**Failure to engage the state means the aff fails, coalitions break down, and hawks seize the political – only engagement solves**

**Mouffe 2009** (Chantal Mouffe is Professor of Political Theory at the Centre for the Study of Democracy, University of Westminster, “The Importance of Engaging the State”, *What is Radical Politics Today?*, Edited by Jonathan Pugh, pp. 233-7)

In both Hardt and Negri, and Virno, there is therefore emphasis upon ‘critique as withdrawal’. They all call for the development of a non-state public sphere. They call for self-organisation, experimentation, non-representative and extra-parliamentary politics. They see forms of traditional representative politics as inherently oppressive. So they do not seek to engage with them, in order to challenge them. They seek to get rid of them altogether. This disengagement is, for such influential personalities in radical politics today, the key to every political position in the world. The Multitude must recognise imperial sovereignty itself as the enemy and discover adequate means of subverting its power. Whereas in the disciplinary era I spoke about earlier, sabotage was the fundamental form of political resistance, these authors claim that, today, it should be desertion. It is indeed through desertion, through the evacuation of the places of power, that they think that battles against Empire might be won. Desertion and exodus are, for these important thinkers, a powerful form of class struggle against imperial postmodernity. According to Hardt and Negri, and Virno, radical politics in the past was dominated by the notion of ‘the people’. This was, according to them, a unity, acting with one will. And this unity is linked to the existence of the state. The Multitude, on the contrary, shuns political unity. It is not representable because it is an active self-organising agent that can never achieve the status of a juridical personage. It can never converge in a general will, because the present globalisation of capital and workers’ struggles will not permit this. It is anti-state and anti-popular. Hardt and Negri claim that the Multitude cannot be conceived any more in terms of a sovereign authority that is representative of the people. They therefore argue that new forms of politics, which are non-representative, are needed. They advocate a withdrawal from existing institutions. This is something which characterises much of radical politics today. The emphasis is not upon challenging the state. Radical politics today is often characterised by a mood, a sense and a feeling, that the state itself is inherently the problem. Critique as engagement I will now turn to presenting the way I envisage the form of social criticism best suited to radical politics today. I agree with Hardt and Negri that it is important to understand the transition from Fordism to post-Fordism. But I consider that the dynamics of this transition is better apprehended within the framework of the approach outlined in the book Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Laclau and Mouffe, 2001). What I want to stress is that many factors have contributed to this transition from Fordism to post-Fordism, and that it is necessary to recognise its complex nature. My problem with Hardt and Negri’s view is that, by putting so much emphasis on the workers’ struggles, they tend to see this transition as if it was driven by one single logic: the workers’ resistance to the forces of capitalism in the post-Fordist era. They put too much emphasis upon immaterial labour. In their view, capitalism can only be reactive and they refuse to accept the creative role played both by capital and by labour. To put it another way, they deny the positive role of political struggle. In Hegemony and Socialist Strategy: Towards a Radical Democratic Politics we use the word ‘hegemony’ to describe the way in which meaning is given to institutions or practices: for example, the way in which a given institution or practice is defined as ‘oppressive to women’, ‘racist’ or ‘environmentally destructive’. We also point out that every hegemonic order is therefore susceptible to being challenged by counter-hegemonic practices – feminist, anti-racist, environmentalist, for example. This is illustrated by the plethora of new social movements which presently exist in radical politics today (Christian, anti-war, counter-globalisation, Muslim, and so on). Clearly not all of these are workers’ struggles. In their various ways they have nevertheless attempted to influence and have influenced a new hegemonic order. This means that when we talk about ‘the political’, we do not lose sight of the ever present possibility of heterogeneity and antagonism within society. There are many different ways of being antagonistic to a dominant order in a heterogeneous society – it need not only refer to the workers’ struggles. I submit that it is necessary to introduce this hegemonic dimension when one envisages the transition from Fordism to post-Fordism. This means abandoning the view that a single logic (workers’ struggles) is at work in the evolution of the work process; as well as acknowledging the pro-active role played by capital. In order to do this we can find interesting insights in the work of Luc Boltanski and Eve Chiapello who, in their book The New Spirit of Capitalism (2005), bring to light the way in which capitalists manage to use the demands for autonomy of the new movements that developed in the 1960s, harnessing them in the development of the post-Fordist networked economy and transforming them into new forms of control. They use the term ‘artistic critique’ to refer to how the strategies of the counter-culture (the search for authenticity, the ideal of selfmanagement and the anti-hierarchical exigency) were used to promote the conditions required by the new mode of capitalist regulation, replacing the disciplinary framework characteristic of the Fordist period. From my point of view, what is interesting in this approach is that it shows how an important dimension of the transition from Fordism to post- Fordism involves rearticulating existing discourses and practices in new ways. It allows us to visualise the transition from Fordism to post- Fordism in terms of a hegemonic intervention. To be sure, Boltanski and Chiapello never use this vocabulary, but their analysis is a clear example of what Gramsci called ‘hegemony through neutralisation’ or ‘passive revolution’. This refers to a situation where demands which challenge the hegemonic order are recuperated by the existing system, which is achieved by satisfying them in a way that neutralises their subversive potential. When we apprehend the transition from Fordism to post- Fordism within such a framework, we can understand it as a hegemonic move by capital to re-establish its leading role and restore its challenged legitimacy. We did not witness a revolution, in Marx’s sense of the term. Rather, there have been many different interventions, challenging dominant hegemonic practices. It is clear that, once we envisage social reality in terms of ‘hegemonic’ and ‘counter-hegemonic’ practices, radical politics is not about withdrawing completely from existing institutions. Rather, we have no other choice but to engage with hegemonic practices, in order to challenge them. This is crucial; otherwise we will be faced with a chaotic situation. Moreover, if we do not engage with and challenge the existing order, if we instead choose to simply escape the state completely, we leave the door open for others to take control of systems of authority and regulation. Indeed there are many historical (and not so historical) examples of this. When the Left shows little interest, Right-wing and authoritarian groups are only too happy to take over the state. The strategy of exodus could be seen as the reformulation of the idea of communism, as it was found in Marx. There are many points in common between the two perspectives. To be sure, for Hardt and Negri it is no longer the proletariat, but the Multitude which is the privileged political subject. But in both cases the state is seen as a monolithic apparatus of domination that cannot be transformed. It has to ‘wither away’ in order to leave room for a reconciled society beyond law, power and sovereignty. In reality, as I’ve already noted, others are often perfectly willing to take control. If my approach – supporting new social movements and counterhegemonic practices – has been called ‘post-Marxist’ by many, it is precisely because I have challenged the very possibility of such a reconciled society. To acknowledge the ever present possibility of antagonism to the existing order implies recognising that heterogeneity cannot be eliminated. As far as politics is concerned, this means the need to envisage it in terms of a hegemonic struggle between conflicting hegemonic projects attempting to incarnate the universal and to define the symbolic parameters of social life. A successful hegemony fixes the meaning of institutions and social practices and defines the ‘common sense’ through which a given conception of reality is established. However, such a result is always contingent, precarious and susceptible to being challenged by counter-hegemonic interventions. Politics always takes place in a field criss-crossed by antagonisms. A properly political intervention is always one that engages with a certain aspect of the existing hegemony. It can never be merely oppositional or conceived as desertion, because it aims to challenge the existing order, so that it may reidentify and feel more comfortable with that order. Another important aspect of a hegemonic politics lies in establishing linkages between various demands (such as environmentalists, feminists, anti-racist groups), so as to transform them into claims that will challenge the existing structure of power relations. This is a further reason why critique involves engagement, rather than disengagement. It is clear that the different demands that exist in our societies are often in conflict with each other. This is why they need to be articulated politically, which obviously involves the creation of a collective will, a ‘we’. This, in turn, requires the determination of a ‘them’. This obvious and simple point is missed by the various advocates of the Multitude. For they seem to believe that the Multitude possesses a natural unity which does not need political articulation. Hardt and Negri see ‘the People’ as homogeneous and expressed in a unitary general will, rather than divided by different political conflicts. Counter-hegemonic practices, by contrast, do not eliminate differences. Rather, they are what could be called an ‘ensemble of differences’, all coming together, only at a given moment, against a common adversary. Such as when different groups from many backgrounds come together to protest against a war perpetuated by a state, or when environmentalists, feminists, anti-racists and others come together to challenge dominant models of development and progress. In these cases, the adversary cannot be defined in broad general terms like ‘Empire’, or for that matter ‘Capitalism’. It is instead contingent upon the particular circumstances in question – the specific states, international institutions or governmental practices that are to be challenged. Put another way, the construction of political demands is dependent upon the specific relations of power that need to be targeted and transformed, in order to create the conditions for a new hegemony. This is clearly not an exodus from politics. It is not ‘critique as withdrawal’, but ‘critique as engagement’. It is a ‘war of position’ that needs to be launched, often across a range of sites, involving the coming together of a range of interests. This can only be done by establishing links between social movements, political parties and trade unions, for example. The aim is to create a common bond and collective will, engaging with a wide range of sites, and often institutions, with the aim of transforming them. This, in my view, is how we should conceive the nature of radical politics.

**Our method is empirically successful and spills over**

**Horowitz 10**, Michael, assistant professor of political science at the University of Pennsylvania, “Debating Debate Club,” Entry 5, August 20th, http://www.slate.com/articles/arts/the\_book\_club/features/2010/debating\_debate\_club/can\_debate\_save\_the\_world\_or\_does\_it\_just\_help\_you\_get\_into\_a\_better\_college.html

As for your point about policy debate being hermetically sealed, consider this: The debaters who actually go into their communities and encourage more public dialogue are the policy debaters. They founded the National Association of Urban Debate Leagues, which serves more than 500 schools around the country. Peer-reviewed research shows that participating has helped more than 40,000 inner-city students improve their grades, graduate from high school, and attend college. Policy debaters go to Washington, D.C., and conduct accessible public debates for lay audiences about many topics, including nuclear weapons and environmental policy. They work with prison populations in Georgia and New York as a means of enfranchising those voices. They teach public speaking to kids of all ages in Jamaica, Malaysia, and South Korea. The middle-school policy debate program in the Atlanta Housing Authority has been recognized by the Bureau of Justice Administration as a potential national model for reducing gang participation among inner-city youth. The policy debate community makes these things happen because it believes that more students equipped with speaking and research skills is a good thing, that more knowledge about current events and political decisions is a powerful weapon, and that these benefits shouldn't be restricted to those who are already in positions of privilege.

# 1nc topic specific

**Simulated national security law debates inculcate agency and decision-making skills—that enables activism and avoids cooption**

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11/13**,** National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

The concept of simulations as an aspect of higher education, or in the law school environment, is not new.164 Moot court, after all, is a form of simulation and one of the oldest teaching devices in the law. What is new, however, is the idea of designing a civilian national security course that takes advantage of the doctrinal and experiential components of law school education and integrates the experience through a multi-day simulation. In 2009, I taught the first module based on this design at Stanford Law, which I developed the following year into a full course at Georgetown Law. It has since gone through multiple iterations. The initial concept followed on the federal full-scale Top Official (“TopOff”) exercises, used to train government officials to respond to domestic crises.165 It adapted a Tabletop Exercise, designed with the help of exercise officials at DHS and FEMA, to the law school environment. The Tabletop used one storyline to push on specific legal questions, as students, assigned roles in the discussion, sat around a table and for six hours engaged with the material. The problem with the Tabletop Exercise was that it was too static, and the rigidity of the format left little room, or time, for student agency. Unlike the government’s TopOff exercises, which gave officials the opportunity to fully engage with the many different concerns that arise in the course of a national security crisis as well as the chance to deal with externalities, the Tabletop focused on specific legal issues, even as it controlled for external chaos. The opportunity to provide a more full experience for the students came with the creation of first a one-day, and then a multi-day simulation. The course design and simulation continues to evolve. It offers a model for achieving the pedagogical goals outlined above, in the process developing a rigorous training ground for the next generation of national security lawyers.166 A. Course Design The central idea in structuring the NSL Sim 2.0 course **was to bridge the gap between theory and practice by conveying** doctrinal **material and** creating an alternative reality in which students would be forced to act upon legal concerns.167 The exercise itself is a form of problem-based learning, wherein students are given both agency and responsibility for the results. Towards this end, the structure must be at once bounded (directed and focused on certain areas of the law and legal education) and flexible (responsive to student input and decisionmaking). Perhaps the most significant weakness in the use of any constructed universe is the problem of authenticity. Efforts to replicate reality will inevitably fall short. There is simply too much uncertainty, randomness, and complexity in the real world. One way to address this shortcoming, however, is through design and agency. The scenarios with which students grapple and the structural design of the simulation must reflect the national security realm, even as students themselves must make choices that carry consequences. Indeed, to some extent, student decisions themselves must drive the evolution of events within the simulation.168 Additionally, **while authenticity matters, it is worth noting that at some level the fact that the incident does not take place in a real-world setting can be a great advantage**. That is, the simulation creates an environment where students can make mistakes and learn from these mistakes – without what might otherwise be devastating consequences. It also allows instructors to develop multiple points of feedback to enrich student learning in a way that would be much more difficult to do in a regular practice setting. NSL Sim 2.0 takes as its starting point the national security pedagogical goals discussed above. It works backwards to then engineer a classroom, cyber, and physical/simulation experience to delve into each of these areas. As a substantive matter, the course focuses on the constitutional, statutory, and regulatory authorities in national security law, placing particular focus on the interstices between black letter law and areas where the field is either unsettled or in flux. A key aspect of the course design is that it retains both the doctrinal and experiential components of legal education. Divorcing simulations from the doctrinal environment risks falling short on the first and third national security pedagogical goals: (1) analytical skills and substantive knowledge, and (3) critical thought. A certain amount of both can be learned in the course of a simulation; however, the national security crisis environment is not well-suited to the more thoughtful and careful analytical discussion. What I am thus proposing is a course design in which doctrine is paired with the type of experiential learning more common in a clinical realm. The former precedes the latter, giving students the opportunity to develop depth and breadth prior to the exercise. In order to capture problems related to adaptation and evolution, addressing goal [1(d)], the simulation itself takes place over a multi-day period. Because of the intensity involved in national security matters (and conflicting demands on student time), the model makes use of a multi-user virtual environment. The use of such technology is critical to creating more powerful, immersive simulations.169 It also allows for continual interaction between the players. Multi-user virtual environments have the further advantage of helping to transform the traditional teaching culture, predominantly concerned with manipulating textual and symbolic knowledge, into a culture where students learn and can then be assessed on the basis of their participation in changing practices.170 I thus worked with the Information Technology group at Georgetown Law to build the cyber portal used for NSL Sim 2.0. The twin goals of adaptation and evolution require that students be given a significant amount of agency and responsibility for decisions taken in the course of the simulation. To further this aim, I constituted a Control Team, with six professors, four attorneys from practice, a media expert, six to eight former simulation students, and a number of technology experts. Four of the professors specialize in different areas of national security law and assume roles in the course of the exercise, with the aim of pushing students towards a deeper doctrinal understanding of shifting national security law authorities. One professor plays the role of President of the United States. The sixth professor focuses on questions of professional responsibility. The attorneys from practice help to build the simulation and then, along with all the professors, assume active roles during the simulation itself. Returning students assist in the execution of the play, further developing their understanding of national security law. Throughout the simulation, the Control Team is constantly reacting to student choices. When unexpected decisions are made, professors may choose to pursue the evolution of the story to accomplish the pedagogical aims, or they may choose to cut off play in that area (there are various devices for doing so, such as denying requests, sending materials to labs to be analyzed, drawing the players back into the main storylines, and leaking information to the media). A total immersion simulation involves a number of scenarios, as well as systemic noise, to give students experience in dealing with the second pedagogical goal: factual chaos and information overload. The driving aim here is to teach students how to manage information more effectively. Five to six storylines are thus developed, each with its own arc and evolution. To this are added multiple alterations of the situation, relating to background noise. Thus, unlike hypotheticals, doctrinal problems, single-experience exercises, or even Tabletop exercises, the goal is not to eliminate external conditions, but to embrace them as part of the challenge facing national security lawyers. The simulation itself is problem-based, giving players agency in driving the evolution of the experience – thus addressing goal [2(c)]. This requires a realtime response from the professor(s) overseeing the simulation, pairing bounded storylines with flexibility to emphasize different areas of the law and the students’ practical skills. Indeed, each storyline is based on a problem facing the government, to which players must then respond, generating in turn a set of new issues that must be addressed. The written and oral components of the simulation conform to the fourth pedagogical goal – the types of situations in which national security lawyers will find themselves. Particular emphasis is placed on nontraditional modes of communication, such as legal documents in advance of the crisis itself, meetings in the midst of breaking national security concerns, multiple informal interactions, media exchanges, telephone calls, Congressional testimony, and formal briefings to senior level officials in the course of the simulation as well as during the last class session. These oral components are paired with the preparation of formal legal instruments, such as applications to the Foreign Intelligence Surveillance Court, legal memos, applications for search warrants under Title III, and administrative subpoenas for NSLs. In addition, students are required to prepare a paper outlining their legal authorities prior to the simulation – and to deliver a 90 second oral briefing after the session. To replicate the high-stakes political environment at issue in goals (1) and (5), students are divided into political and legal roles and assigned to different (and competing) institutions: the White House, DoD, DHS, HHS, DOJ, DOS, Congress, state offices, nongovernmental organizations, and the media. This requires students to acknowledge and work within the broader Washington context, even as they are cognizant of the policy implications of their decisions. They must get used to working with policymakers and to representing one of many different considerations that decisionmakers take into account in the national security domain. Scenarios are selected with high consequence events in mind, to ensure that students recognize both the domestic and international dimensions of national security law. Further alterations to the simulation provide for the broader political context – for instance, whether it is an election year, which parties control different branches, and state and local issues in related but distinct areas. The media is given a particularly prominent role. One member of the Control Team runs an AP wire service, while two student players represent print and broadcast media, respectively. The Virtual News Network (“VNN”), which performs in the second capacity, runs continuously during the exercise, in the course of which players may at times be required to appear before the camera. This media component helps to emphasize the broader political context within which national security law is practiced. Both anticipated and unanticipated decisions give rise to ethical questions and matters related to the fifth goal: professional responsibility. The way in which such issues arise stems from simulation design as well as spontaneous interjections from both the Control Team and the participants in the simulation itself. As aforementioned, professors on the Control Team, and practicing attorneys who have previously gone through a simulation, focus on raising decision points that encourage students to consider ethical and professional considerations. Throughout the simulation good judgment and leadership play a key role, determining the players’ effectiveness, with the exercise itself hitting the aim of the integration of the various pedagogical goals. Finally, there are multiple layers of feedback that players receive prior to, during, and following the simulation to help them to gauge their effectiveness. The Socratic method in the course of doctrinal studies provides immediate assessment of the students’ grasp of the law. Written assignments focused on the contours of individual players’ authorities give professors an opportunity to assess students’ level of understanding prior to the simulation. And the simulation itself provides real-time feedback from both peers and professors. The Control Team provides data points for player reflection – for instance, the Control Team member playing President may make decisions based on player input, giving students an immediate impression of their level of persuasiveness, while another Control Team member may reject a FISC application as insufficient. The simulation goes beyond this, however, focusing on teaching students how to develop (6) opportunities for learning in the future. Student meetings with mentors in the field, which take place before the simulation, allow students to work out the institutional and political relationships and the manner in which law operates in practice, even as they learn how to develop mentoring relationships. (Prior to these meetings we have a class discussion about mentoring, professionalism, and feedback). Students, assigned to simulation teams about one quarter of the way through the course, receive peer feedback in the lead-up to the simulation and during the exercise itself. Following the simulation the Control Team and observers provide comments. Judges, who are senior members of the bar in the field of national security law, observe player interactions and provide additional debriefing. The simulation, moreover, is recorded through both the cyber portal and through VNN, allowing students to go back to assess their performance. Individual meetings with the professors teaching the course similarly follow the event. Finally, students end the course with a paper reflecting on their performance and the issues that arose in the course of the simulation, develop frameworks for analyzing uncertainty, tension with colleagues, mistakes, and successes in the future. B. Substantive Areas: Interstices and Threats As a substantive matter, NSL Sim 2.0 is designed to take account of areas of the law central to national security. It focuses on specific authorities that may be brought to bear in the course of a crisis. The decision of which areas to explore is made well in advance of the course. It is particularly helpful here to think about national security authorities on a continuum, as a way to impress upon students that there are shifting standards depending upon the type of threat faced. One course, for instance, might center on the interstices between crime, drugs, terrorism and war. Another might address the intersection of pandemic disease and biological weapons. A third could examine cybercrime and cyberterrorism. **This is the most important determination, because the substance of the** doctrinal portion of the course and the **simulation follows from this decision**. For a course focused on the interstices between pandemic disease and biological weapons, for instance, preliminary inquiry would lay out which authorities apply, where the courts have weighed in on the question, and what matters are unsettled. Relevant areas might include public health law, biological weapons provisions, federal quarantine and isolation authorities, habeas corpus and due process, military enforcement and posse comitatus, eminent domain and appropriation of land/property, takings, contact tracing, thermal imaging and surveillance, electronic tagging, vaccination, and intelligence-gathering. The critical areas can then be divided according to the dominant constitutional authority, statutory authorities, regulations, key cases, general rules, and constitutional questions. **This**, then, **becomes a guide for the** doctrinal part of the **course, as well as the grounds on which the specific scenarios developed for the simulation** are based. The authorities, simultaneously, are included in an electronic resource library and embedded in the cyber portal (the Digital Archives) to act as a closed universe of the legal authorities needed by the students in the course of the simulation. Professional responsibility in the national security realm and the institutional relationships of those tasked with responding to biological weapons and pandemic disease also come within the doctrinal part of the course. The simulation itself is based on five to six storylines reflecting the interstices between different areas of the law. The storylines are used to present a coherent, non-linear scenario that can adapt to student responses. Each scenario is mapped out in a three to seven page document, which is then checked with scientists, government officials, and area experts for consistency with how the scenario would likely unfold in real life. For the biological weapons and pandemic disease emphasis, for example, one narrative might relate to the presentation of a patient suspected of carrying yersinia pestis at a hospital in the United States. The document would map out a daily progression of the disease consistent with epidemiological patterns and the central actors in the story: perhaps a U.S. citizen, potential connections to an international terrorist organization, intelligence on the individual’s actions overseas, etc. The scenario would be designed specifically to stress the intersection of public health and counterterrorism/biological weapons threats, and the associated (shifting) authorities, thus requiring the disease initially to look like an innocent presentation (for example, by someone who has traveled from overseas), but then for the storyline to move into the second realm (awareness that this was in fact a concerted attack). A second storyline might relate to a different disease outbreak in another part of the country, with the aim of introducing the Stafford Act/Insurrection Act line and raising federalism concerns. The role of the military here and Title 10/Title 32 questions would similarly arise – with the storyline designed to raise these questions. A third storyline might simply be well developed noise in the system: reports of suspicious activity potentially linked to radioactive material, with the actors linked to nuclear material. A fourth storyline would focus perhaps on container security concerns overseas, progressing through newspaper reports, about containers showing up in local police precincts. State politics would constitute the fifth storyline, raising question of the political pressures on the state officials in the exercise. Here, ethnic concerns, student issues, economic conditions, and community policing concerns might become the focus. The sixth storyline could be further noise in the system – loosely based on current events at the time. In addition to the storylines, a certain amount of noise is injected into the system through press releases, weather updates, private communications, and the like. The five to six storylines, prepared by the Control Team in consultation with experts, become the basis for the preparation of scenario “injects:” i.e., newspaper articles, VNN broadcasts, reports from NGOs, private communications between officials, classified information, government leaks, etc., which, when put together, constitute a linear progression. These are all written and/or filmed prior to the exercise. The progression is then mapped in an hourly chart for the unfolding events over a multi-day period. All six scenarios are placed on the same chart, in six columns, giving the Control Team a birds-eye view of the progression. C. How It Works As for the nuts and bolts of the simulation itself, it traditionally begins outside of class, in the evening, on the grounds that national security crises often occur at inconvenient times and may well involve limited sleep and competing demands.171 Typically, a phone call from a Control Team member posing in a role integral to one of the main storylines, initiates play. Students at this point have been assigned dedicated simulation email addresses and provided access to the cyber portal. The portal itself gives each team the opportunity to converse in a “classified” domain with other team members, as well as access to a public AP wire and broadcast channel, carrying the latest news and on which press releases or (for the media roles) news stories can be posted. The complete universe of legal authorities required for the simulation is located on the cyber portal in the Digital Archives, as are forms required for some of the legal instruments (saving students the time of developing these from scratch in the course of play). Additional “classified” material – both general and SCI – has been provided to the relevant student teams. The Control Team has access to the complete site. For the next two (or three) days, outside of student initiatives (which, at their prompting, may include face-to-face meetings between the players), the entire simulation takes place through the cyber portal. The Control Team, immediately active, begins responding to player decisions as they become public (and occasionally, through monitoring the “classified” communications, before they are released). This time period provides a ramp-up to the third (or fourth) day of play, allowing for the adjustment of any substantive, student, or technology concerns, while setting the stage for the breaking crisis. The third (or fourth) day of play takes place entirely at Georgetown Law. A special room is constructed for meetings between the President and principals, in the form of either the National Security Council or the Homeland Security Council, with breakout rooms assigned to each of the agencies involved in the NSC process. Congress is provided with its own physical space, in which meetings, committee hearings and legislative drafting can take place. State government officials are allotted their own area, separate from the federal domain, with the Media placed between the three major interests. The Control Team is sequestered in a different area, to which students are not admitted. At each of the major areas, the cyber portal is publicly displayed on large flat panel screens, allowing for the streaming of video updates from the media, AP wire injects, articles from the students assigned to represent leading newspapers, and press releases. Students use their own laptop computers for team decisions and communication. As the storylines unfold, the Control Team takes on a variety of roles, such as that of the President, Vice President, President’s chief of staff, governor of a state, public health officials, and foreign dignitaries. Some of the roles are adopted on the fly, depending upon player responses and queries as the storylines progress. Judges, given full access to each player domain, determine how effectively the students accomplish the national security goals. The judges are themselves well-experienced in the practice of national security law, as well as in legal education. They thus can offer a unique perspective on the scenarios confronted by the students, the manner in which the simulation unfolded, and how the students performed in their various capacities. At the end of the day, the exercise terminates and an immediate hotwash is held, in which players are first debriefed on what occurred during the simulation. Because of the players’ divergent experiences and the different roles assigned to them, the students at this point are often unaware of the complete picture. The judges and formal observers then offer reflections on the simulation and determine which teams performed most effectively. Over the next few classes, more details about the simulation emerge, as students discuss it in more depth and consider limitations created by their knowledge or institutional position, questions that arose in regard to their grasp of the law, the types of decision-making processes that occurred, and the effectiveness of their – and other students’ – performances. Reflection papers, paired with oral briefings, focus on the substantive issues raised by the simulation and introduce the opportunity for students to reflect on how to create opportunities for learning in the future. The course then formally ends.172 Learning, however, continues beyond the temporal confines of the semester. Students who perform well and who would like to continue to participate in the simulations are invited back as members of the control team, giving them a chance to deepen their understanding of national security law. Following graduation, a few students who go in to the field are then invited to continue their affiliation as National Security Law fellows, becoming increasingly involved in the evolution of the exercise itself. This system of vertical integration helps to build a mentoring environment for the students while they are enrolled in law school and to create opportunities for learning and mentorship post-graduation. It helps to keep the exercise current and reflective of emerging national security concerns. And it builds a strong community of individuals with common interests. CONCLUSION The legal academy has, of late, been swept up in concern about the economic conditions that affect the placement of law school graduates. The image being conveyed, however, does not resonate in every legal field. It is particularly inapposite to the burgeoning opportunities presented to students in national security. That the conversation about legal education is taking place now should come as little surprise. Quite apart from economic concern is the traditional introspection that follows American military engagement. It makes sense: law overlaps substantially with political power, being at once both the expression of government authority and the effort to limit the same. **The one-size fits all approach** currently **dominating the conversation in legal education, however, appears ill-suited to address the concerns raised** in the current conversation. **Instead of looking at law across the board, greater insight can be gleaned by looking at** the specific demands of the different fields themselves. This does not mean that the goals identified will be exclusive to, for instance, national security law, but it does suggest there will be greater nuance in the discussion of the adequacy of the current pedagogical approach. With this approach in mind, I have here suggested six pedagogical goals for national security. For following graduation, students must be able to perform in each of the areas identified – (1) understanding the law as applied, (2) dealing with factual chaos and uncertainty, (3) obtaining critical distance, (4) developing nontraditional written and oral communication skills, (5) exhibiting leadership, integrity, and good judgment in a high-stakes, highly-charged environment, and (6) creating continued opportunities for self-learning. They also must learn how to integrate these different skills into one experience, to ensure that they will be most effective when they enter the field. The problem with the current structures in legal education is that they fall short, in important ways, from helping students to meet these goals. Doctrinal courses may incorporate a range of experiential learning components, such as hypotheticals, doctrinal problems, single exercises, extended or continuing exercises, and tabletop exercises. These are important classroom devices. The amount of time required for each varies, as does the object of the exercise itself. But where they fall short is in providing a more holistic approach to national security law which will allow for the maximum conveyance of required skills. Total immersion **simulations**, which have not yet been addressed in the secondary literature for civilian education in national security law, may **provide an important way forward**. Such **simulations** also **cure shortcomings in other areas of experiential education**, such as clinics and moot court. It is in an effort to address these concerns that I developed **the simulation model** above. NSL Sim 2.0 certainly is not the only solution, but it **does provide a** starting point for moving forward. The approach draws on the strengths of doctrinal courses and embeds a total immersion simulation within a course. **It makes use of technology and physical space to engage students in a multi-day exercise, in which** they are given agency and responsibility for their decision making, resulting in a steep learning curve. While further adaptation of this model is undoubtedly necessary, it suggests one potential direction for the years to come.

**Prefer specificity—simulation about war powers is uniquely empowering**

Laura K. Donohue 13, Associate Professor of Law, Georgetown Law, 4/11/13, National Security Law Pedagogy and the Role of Simulations, http://jnslp.com/wp-content/uploads/2013/04/National-Security-Law-Pedagogy-and-the-Role-of-Simulations.pdf

2. Factual Chaos and Uncertainty

One of the most important skills for students going into national security law is the ability to deal with factual chaos. The presentation of factual chaos significantly differs from the traditional model of legal education, in which students are provided a set of facts which they must analyze. Lawyers working in national security law must figure out what information they need, integrate enormous amounts of data from numerous sources, determine which information is reliable and relevant, and proceed with analysis and recommendations. Their recommendations, moreover, must be based on contingent conditions: facts may be classified and unavailable to the legal analyst, or facts may change as new information emerges. This is as true for government lawyers as it is for those outside of governmental structures. They must be aware of what is known, what is unsure, what is unknown, and the possibility of changing circumstances, and they must advise their clients, from the beginning, how the legal analysis might shift if the factual basis alters. a. Chaos. Concern about information overload in the national security environment is not new: in the 1970s scholars discussed and debated how to handle the sequential phases of intelligence gathering and analysis in a manner that yielded an optimal result.132 But the digital revolution has exponentially transformed the quantitative terms of reference, the technical means of collection and analysis, and the volume of information available. The number of sources of information – not least in the online world – is staggering. Added to this is the rapid expansion in national security law itself: myriad new Executive Orders, Presidential Directives, institutions, programs, statutes, regulations, lawsuits, and judicial decisions mean that national security law itself is rapidly changing. Lawyers inside and outside of government must keep abreast of constantly evolving authorities. The international arena too is in flux, as global entities, such as the United Nations, the European Court of Human Rights, the G-7/G-8, and other countries, introduce new instruments whose reach includes U.S. interests. Rapid geopolitical changes relating to critical national security concerns, such as worldwide financial flows, the Middle East, the Arab Spring, South American drug cartels, North Korea, the former Soviet Union, China, and other issues require lawyers to keep up on what is happening globally as a way of understanding domestic concerns. Further expanding the information overload is the changing nature of what constitutes national security itself.133 In sum, the sheer amount of information the national security lawyer needs to assimilate is significant. The basic skills required in the 1970s thus may be similar – such as the ability (a) to know where to look for relevant and reliable information; (b) to obtain the necessary information in the most efficient manner possible; (c) to quickly discern reliable from unreliable information; (d) to know what data is critical; and (e) to ascertain what is as yet unknown or contingent on other conditions. But the volume of information, the diversity of information sources, and the heavy reliance on technology requires lawyers to develop new skills. They must be able to obtain the right information and to ignore chaos to focus on the critical issues. These features point in opposite directions – i.e., a broadening of knowledge and a narrowing of focus. A law school system built on the gradual and incremental advance of law, bolstered or defeated by judicial decisions and solidified through the adhesive nature of stare decisis appears particularly inapposite for this rapidly-changing environment. An important question that will thus confront students upon leaving the legal academy is how to keep abreast of rapidly changing national security and geopolitical concerns in an information-rich world in a manner that allows for capture of relevant information, while retaining the ability to focus on the immediate task at hand. Staying ahead of the curve requires developing a sense of timing – when to respond to important legal and factual shifts – and identifying the best means of doing so. Again, this applies to government and non-government employees. How should students prioritize certain information and then act upon it? This, too, is an aspect of information overload. b. Uncertainty. National security law proves an information-rich, factuallydriven environment. The ability to deal with such chaos may be hampered by gaps in the information available and the difficulty of engaging in complex fact-finding – a skill often **under-taught** in law school. Investigation of relevant information may need to reach far afield in order to generate careful legal analysis. Uncertainty here plays a key role. In determining, for instance, the contours of quarantine authority, lawyers may need to understand how the pandemic in question works, where there have been outbreaks, how it will spread, what treatments are available, which social distancing measures may prove most effective, what steps are being taken locally, at a state-level, and internationally, and the like. Lawyers in non-profit organizations, legal academics, in-house attorneys, and others, in turn, working in the field, must learn how to find out the relevant information before commenting on new programs and initiatives, agreeing to contractual terms, or advising clients on the best course of action. For both government and non-government lawyers, the secrecy inherent in the field is of great consequence. The key here is learning to ask intelligent questions to generate the best legal analysis possible. It may be the case that national security lawyers are not aware of the facts they are missing – facts that would be central to legal analysis. This phenomenon front-loads the type of advice and discussions in which national security lawyers must engage. It means that analysis must be given in a transparent manner, contingent on a set of facts currently known, with indication given up front as to how that analysis might change, should the factual basis shift. This is particularly true of government attorneys, who may be advising policymakers who may or may not have a background in the law and who may have access to more information than the attorney. Signaling the key facts on which the legal decision rests with the caveat that the legal analysis of the situation might change if the facts change, provides for more robust consideration of critically important issues. c. Creative Problem Solving. Part of dealing with factual uncertainty in a rapidly changing environment is learning how to construct new ways to address emerging issues. Admittedly, much has been made in the academy about the importance of problem-based learning as a method in developing students’ critical thinking skills.134 Problem-solving, however, is not merely a method of teaching. It is itself a goal for the type of activities in which lawyers will be engaged. The means-ends distinction is an important one to make here. Problemsolving in a classroom environment may be merely a conduit for learning a specific area of the law or a limited set of skills. But problem-solving as an end suggests the accumulation of a **broader set of tools,** such as familiarity with multidisciplinary approaches, creativity and originality, sequencing, collaboration, identification of contributors’ expertise, and how to leverage each skill set. This goal presents itself in the context of fact-finding, but it draws equally on strong understanding of legal authorities and practices, the Washington context, and policy considerations. Similarly, like the factors highlighted in the first pedagogical goal, adding to the tensions inherent in factual analysis is the abbreviated timeline in which national security attorneys must operate. Time may not be a commodity in surplus. This means that national security legal education must not only develop students’ complex fact-finding skills and their ability to provide contingent analysis, but it must teach them how to **swiftly and efficiently engage** in these activities. 3. Critical Distance As was recognized more than a century ago, analytical skills by themselves are insufficient training for individuals moving into the legal profession.135 Critical thinking provides the necessary distance from the law that is required in order to move the legal system forward. Critical thought, influenced by the Ancient Greek tradition, finds itself bound up in the Socratic method of dialogue that continues to define the legal academy. But it goes beyond such constructs as well. Scholars and educators disagree, of course, on what exactly critical thinking entails.136 For purposes of our present discussion, I understand it as the metaconversation in the law. Whereas legal analysis and substantive knowledge focus on the law as it is and how to work within the existing structures, critical thought provides distance and allows students to engage in purposeful discussion of theoretical constructs that deepen our understanding of both the actual and potential constructs of law. It is inherently reflective. For the purpose of practicing national security law, critical thought is paramount. This is true partly because of the unique conditions that tend to accompany the introduction of national security provisions: these are often introduced in the midst of an emergency. Their creation of new powers frequently has significant implications for distribution of authority at a federal level, a diminished role for state and local government in the federalism realm, and a direct impact on individual rights.137 Constitutional implications demand careful scrutiny. Yet at the time of an attack, enormous pressure is on officials and legislators to act and to be seen to act to respond.138 With the impact on rights, in particular, foremost in legislators’ minds, the first recourse often is to make any new powers temporary. However, they rarely turn out to be so, instead becoming embedded in the legislative framework and providing a baseline on which further measures are built.139 In order to withdraw them, legislators must demonstrate either that the provisions are not effective or that no violence will ensue upon their withdrawal (either way, a demanding proof). Alternatively, legislators would have to acknowledge that some level of violence may be tolerated – a step no politician is willing to take. Any new powers, introduced in the heat of the moment, may become a permanent part of the statutory and regulatory regime. They may not operate the way in which they were intended. They may impact certain groups in a disparate manner. They may have unintended and detrimental consequences. Therefore, it is necessary for national security lawyers to be able to view such provisions, and related policy decisions, from a distance and to be able to think through them outside of the contemporary context. There are many other reasons such critical analysis matters that reflect in other areas of the law. The ability to recognize problems, articulate underlying assumptions and values, understand how language is being used, assess whether argument is logical, test conclusions, and determine and analyze pertinent information depends on critical thinking skills. Indeed, one could draw argue that it is the goal of higher education to build the capacity to engage in critical thought. **Deeply humanistic theories underlie this approach**. The ability to develop discerning judgment – the very meaning of the Greek term, 􏰀􏰁􏰂􏰃􏰄􏰅􏰆 – provides the basis for advancing the human condition through reason and intellectual engagement. Critical thought as used in practicing national security law may seem somewhat antithetical to the general legal enterprise in certain particulars. For government lawyers and consultants, there may be times in which not providing legal advice, when asked for it, may be as important as providing it. That is, it may be important not to put certain options on the table, with legal justifications behind them. Questions whether to advise or not to advise are bound up in considerations of policy, professional responsibility, and ethics. They may also relate to questions as to who one’s client is in the world of national security law.140 It may be unclear whether and at what point one’s client is a supervisor, the legal (or political) head of an agency, a cross-agency organization, the White House, the Constitution, or the American public. Depending upon this determination, the national security lawyer may or may not want to provide legal advice to one of the potential clients. Alternatively, such a lawyer may want to call attention to certain analyses to other clients. Determining when and how to act in these circumstances requires critical distance. 4. Nontraditional Written and Oral Communication Skills Law schools have long focused on written and oral communication skills that are central to the practice of law. Brief writing, scholarly analysis, criminal complaints, contractual agreements, trial advocacy, and appellate arguments constitute standard fare. What is perhaps unique about the way communication skills are used in the national security world is the importance of non-traditional modes of legal communication such as concise (and precise) oral briefings, email exchanges, private and passing conversations, agenda setting, meeting changed circumstances, and communications built on swiftly evolving and uncertain information. For many of these types of communications speed may be of the essence – and unlike the significant amounts of time that accompany preparation of lengthy legal documents (and the painstaking preparation for oral argument that marks moot court preparations.) Much of the activity that goes on within the Executive Branch occurs within a hierarchical system, wherein those closest to the issues have exceedingly short amounts of time to deliver the key points to those with the authority to exercise government power. Unexpected events, shifting conditions on the ground, and deadlines require immediate input, without the opportunity for lengthy consideration of the different facets of the issue presented. This is a different type of activity from the preparation of an appellate brief, for instance, involving a fuller exposition of the issues involved. It is closer to a blend of Supreme Court oral argument and witness crossexamination – although national security lawyers often may not have the luxury of the months, indeed, years, that cases take to evolve to address the myriad legal questions involved. Facts on which the legal analysis rests, moreover, as discussed above, may not be known. This has substantive implications for written and oral communications. Tension between the level of legal analysis possible and the national security process itself may lead to a different norm than in other areas of the law. Chief Judge Baker explains, If lawyers insist on knowing all the facts all the time, before they are willing to render advice, or, if they insist on preparing a written legal opinion in response to every question, then national security process would become dysfunctional. The delay alone would cause the policymaker to avoid, and perhaps evade, legal review.141 Simultaneously, lawyers cannot function without some opportunity to look carefully at the questions presented and to consult authoritative sources. “The art of lawyering in such context,” Baker explains, “lies in spotting the issue, accurately identifying the timeline for decision, and applying a meaningful degree of formal or informal review in response.”142 The lawyer providing advice must resist the pressure of the moment and yet still be responsive to the demand for swift action. The resulting written and oral communications thus may be shaped in different ways. Unwilling to bind clients’ hands, particularly in light of rapidly-changing facts and conditions, the potential for nuance to be lost is considerable. The political and historical overlay of national security law here matters. In some circumstances, even where written advice is not formally required, it may be in the national security lawyer’s best interests to commit informal advice to paper in the form of an email, notation, or short memo. The process may serve to provide an external check on the pressures that have been internalized, by allowing the lawyer to separate from the material and read it. It may give the lawyer the opportunity to have someone subject it to scrutiny. Baker suggests that “on issues of importance, even where the law is \ clear, as well as situations where novel positions are taken, lawyers should record their informal advice in a formal manner so that they may be held accountable for what they say, and what they don’t say.”143 Written and oral communication may occur at highly irregular moments – yet it is at these moments (in the elevator, during an email exchange, at a meeting, in the course of a telephone call), that critical legal and constitutional decisions are made. This model departs from the formalized nature of legal writing and research. Yet it is important that students are prepared for these types of written and oral communication as an ends in and of themselves. 5. Leadership, Integrity and Good Judgment National security law often takes place in a high stakes environment. There is tremendous pressure on attorneys operating in the field – not least because of the coercive nature of the authorities in question. The classified environment also plays a key role: many of the decisions made will never be known publicly, nor will they be examined outside of a small group of individuals – much less in a court of law. In this context, leadership, integrity, and good judgment stand paramount. The types of powers at issue in national security law are among the most coercive authorities available to the government. Decisions may result in the death of one or many human beings, the abridgment of rights, and the bypassing of protections otherwise incorporated into the law. The amount of pressure under which this situation places attorneys is of a higher magnitude than many other areas of the law. Added to this pressure is the highly political nature of national security law and the necessity of understanding the broader Washington context, within which individual decision-making, power relations, and institutional authorities compete. Policy concerns similarly dominate the landscape. It is not enough for national security attorneys to claim that they simply deal in legal advice. Their analyses carry consequences for those exercising power, for those who are the targets of such power, and for the public at large. The function of leadership in this context may be more about process than substantive authority. It may be a willingness to act on critical thought and to accept the impact of legal analysis. It is closely bound to integrity and professional responsibility and the ability to retain good judgment in extraordinary circumstances. Equally critical in the national security realm is the classified nature of so much of what is done in national security law. All data, for instance, relating to the design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of nuclear material in the production of energy is classified from birth.144 NSI, the bread and butter of the practice of national security law, is similarly classified. U.S. law defines NSI as “information which pertains to the national defense and foreign relations (National Security) of the United States and is classified in accordance with an Executive Order.” Nine primary Executive Orders and two subsidiary orders have been issued in this realm.145 The sheer amount of information incorporated within the classification scheme is here relevant. While original classification authorities have steadily decreased since 1980, and the number of original classification decisions is beginning to fall, the numbers are still high: in fiscal year 2010, for instance, there were nearly 2,300 original classification authorities and almost 225,000 original classification decisions.146 The classification realm, moreover, in which national security lawyers are most active, is expanding. Derivative classification decisions – classification resulting from the incorporation, paraphrasing, restating, or generation of classified information in some new form – is increasing. In FY 2010, there were more than seventy-six million such decisions made.147 This number is triple what it was in FY 2008. Legal decisions and advice tend to be based on information already classified relating to programs, initiatives, facts, intelligence, and previously classified legal opinions. The key issue here is that with so much of the essential information, decisionmaking, and executive branch jurisprudence necessarily secret, lawyers are limited in their opportunity for outside appraisal and review. Even within the executive branch, stove-piping occurs. The use of secure compartmentalized information (SCI) further compounds this problem as only a limited number of individuals – much less lawyers – may be read into a program. This diminishes the opportunity to identify and correct errors or to engage in debate and discussion over the law. Once a legal opinion is drafted, the opportunity to expose it to other lawyers may be restricted. The effect may be felt for decades, as successive Administrations reference prior legal decisions within certain agencies. The Office of Legal Counsel, for instance, has an entire body of jurisprudence that has never been made public, which continues to inform the legal analysis provided to the President. Only a handful of people at OLC may be aware of the previous decisions. They are prevented by classification authorities from revealing these decisions. This results in a sort of generational secret jurisprudence. Questions related to professional responsibility thus place the national security lawyer in a difficult position: not only may opportunities to check factual data or to consult with other attorneys be limited, but the impact of legal advice rendered may be felt for years to come. The problem extends beyond the executive branch. There are limited opportunities, for instance, for external judicial review. Two elements are at work here: first, very few cases involving national security concerns make it into court. Much of what is happening is simply not known. Even when it is known, it may be impossible to demonstrate standing – a persistent problem with regard to challenging, for instance, surveillance programs. Second, courts have historically proved particularly reluctant to intervene in national security matters. Judicially-created devices such as political question doctrine and state secrets underscore the reluctance of the judiciary to second-guess the executive in this realm. The exercise of these doctrines is increasing in the post-9/11 environment. Consider state secrets. While much was made of some five to seven state secrets cases that came to court during the Bush administration, in more than 100 cases the executive branch formally invoked state secrets, which the courts accepted.148 Many times judges did not even bother to look at the evidence in question before blocking it and/or dismissing the suit. In numerous additional cases, the courts treated the claims as though state secrets had been asserted – even where the doctrine had not been formally invoked.149 In light of these pressures – the profound consequences of many national security decisions, the existence of stovepiping even within the executive branch, and limited opportunity for external review – the practice of national security law requires a particularly rigorous and committed adherence to ethical standards and professional responsibility. This is a unique world in which there are enormous pressures, with potentially few external consequences for not acting in accordance with high standards. **It thus becomes particularly important, from a pedagogical perspective, to think through the types of situations that national security attorneys may face, and to address the types of questions** related to professional responsibility **that will confront them** in the course of their careers. Good judgment and leadership similarly stand paramount. These skills, like many of those discussed, may also be relevant to other areas of the law; however, the way in which they become manifest in national security law may be different in important ways. Good judgment, for instance, may mean any number of things, depending upon the attorney’s position within the political hierarchy. Policymaking positions will be considerably different from the provision of legal advice to policymakers. Leadership, too, may mean something different in this field intimately tied to political circumstance. It may mean breaking ranks with the political hierarchy, visibly adopting unpopular public or private positions, or resigning when faced by unethical situations. It may mean creating new bureaucratic structures to more effectively respond to threats. It may mean holding off clients until the attorneys within one’s group have the opportunity to look at issues while still being sensitive to the political needs of the institution. Recourse in such situations may be political, either through public statements and use of the media, or by going to different branches of government for a solution. 6. Creating Opportunities for Learning In addition to the above skills, national security lawyers must be able to engage in continuous self-learning in order to improve their performance. They must be able to identify new and emerging legal and political authorities and processes, systems for handling factual chaos and uncertainty, mechanisms to ensure critical distance, evaluating written and oral performance, and analyzing leadership skills. Law schools do not traditionally focus on how to teach students to continue their learning beyond the walls of academia. Yet **it is vital for their future success to give students the ability to** create conditions of learning.

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**Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will blink**

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

**Having to defend authority derails the current agenda**

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

**Collapses the economy**

Adam Davidson 9/10/13, economy columnist for The New York Times, co-founder of Planet Money, NPR’s team of economics reporters, “Our Debt to Society,” NYT, http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all&\_r=0

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history.¶ Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency.¶ Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.¶ Instead, Robert Auwaerter, head of bond investing for Vanguard, the world’s largest mutual-fund company, told me that the collapse might be more insidious. “You know what happens when the market gets upset?” he said. “There’s a flight to quality. Investors buy Treasury bonds. It’s a bit perverse.” In other words, if the U.S. comes within shouting distance of a default (which Auwaerter is confident won’t happen), the world’s investors — absent a safer alternative, given the recent fates of the euro and the yen — might actually buy even more Treasury bonds. Indeed, interest rates would fall and the bond markets would soar.¶ While this possibility might not sound so bad, it’s really far more damaging than the apocalyptic one I imagined. Rather than resulting in a sudden crisis, failure to raise the debt ceiling would lead to a slow bleed. Scott Mather, head of the global portfolio at Pimco, the world’s largest private bond fund, explained that while governments and institutions might go on a U.S.-bond buying frenzy in the wake of a debt-ceiling panic, they would eventually recognize that the U.S. government was not going through an odd, temporary bit of insanity. They would eventually conclude that it had become permanently less reliable. Mather imagines institutional investors and governments turning to a basket of currencies, putting their savings in a mix of U.S., European, Canadian, Australian and Japanese bonds. Over the course of decades, the U.S. would lose its unique role in the global economy.¶ The U.S. benefits enormously from its status as global reserve currency and safe haven. Our interest and mortgage rates are lower; companies are able to borrow money to finance their new products more cheaply. As a result, there is much more economic activity and more wealth in America than there would be otherwise. If that status erodes, the U.S. economy’s peaks will be lower and recessions deeper; future generations will have fewer job opportunities and suffer more when the economy falters. And, Mather points out, no other country would benefit from America’s diminished status. When you make the base risk-free asset more risky, the entire global economy becomes riskier and costlier.

**Decline goes nuclear**

Green and Schrage ‘9 (Michael J Green is Senior Advisor and Japan Chair at the Center for Strategic and International Studies (CSIS) and Associate Professor at Georgetown University. Steven P Schrage is the CSIS Scholl Chair in International Business and a former senior official with the US Trade Representative's Office, State Department and Ways & Means Committee, Asia Times, 2009 <http://www.atimes.com/atimes/Asian_Economy/KC26Dk01.html>)

Facing the worst economic crisis since the Great Depression, analysts at the World Bank and the US Central Intelligence Agency are just beginning to contemplate the ramifications for international stability if there is not a recovery in the next year. For the most part, the focus has been on fragile states such as some in Eastern Europe. However, the Great Depression taught us that a downward global economic spiral can even have jarring impacts on great powers. It is no mere coincidence that the last great global economic downturn was followed by the most destructive war in human history. In the 1930s, economic desperation helped fuel autocratic regimes and protectionism in a downward economic-security death spiral that engulfed the world in conflict. This spiral was aided by the preoccupation of the United States and other leading nations with economic troubles at home and insufficient attention to working with other powers to maintain stability abroad. Today's challenges are different, yet 1933's London Economic Conference, which failed to stop the drift toward deeper depression and world war, should be a cautionary tale for leaders heading to next month's London Group of 20 (G-20) meeting. There is no question the US must urgently act to address banking issues and to restart its economy. But the lessons of the past suggest that we will also have to keep an eye on those fragile threads in the international system that could begin to unravel if the financial crisis is not reversed early in the Barack Obama administration and realize that economics and security are intertwined in most of the critical challenges we face. A disillusioned rising power? Four areas in Asia merit particular attention, although so far the current financial crisis has not changed Asia's fundamental strategic picture. China is not replacing the US as regional hegemon, since the leadership in Beijing is too nervous about the political implications of the financial crisis at home to actually play a leading role in solving it internationally. Predictions that the US will be brought to its knees because China is the leading holder of US debt often miss key points. China's currency controls and full employment/export-oriented growth strategy give Beijing few choices other than buying US Treasury bills or harming its own economy. Rather than creating new rules or institutions in international finance, or reorienting the Chinese economy to generate greater long-term consumer demand at home, Chinese leaders are desperately clinging to the status quo (though Beijing deserves credit for short-term efforts to stimulate economic growth). The greater danger with China is not an eclipsing of US leadership, but instead the kind of shift in strategic orientation that happened to Japan after the Great Depression. Japan was arguably not a revisionist power before 1932 and sought instead to converge with the global economy through open trade and adoption of the gold standard. The worldwide depression and protectionism of the 1930s devastated the newly exposed Japanese economy and contributed directly to militaristic and autarkic policies in Asia as the Japanese people reacted against what counted for globalization at the time. China today is similarly converging with the global economy, and many experts believe China needs at least 8% annual growth to sustain social stability. Realistic growth predictions for 2009 are closer to 5%. Veteran China hands were watching closely when millions of migrant workers returned to work after the Lunar New Year holiday last month to find factories closed and jobs gone. There were pockets of protests, but nationwide unrest seems unlikely this year, and Chinese leaders are working around the clock to ensure that it does not happen next year either. However, the economic slowdown has only just begun and nobody is certain how it will impact the social contract in China between the ruling communist party and the 1.3 billion Chinese who have come to see President Hu Jintao's call for "harmonious society" as inextricably linked to his promise of "peaceful development". If the Japanese example is any precedent, a sustained economic slowdown has the potential to open a dangerous path from economic nationalism to strategic revisionism in China too. Dangerous states It is noteworthy that North Korea, Myanmar and Iran have all intensified their defiance in the wake of the financial crisis, which has distracted the world's leading nations, limited their moral authority and sown potential discord. With Beijing worried about the potential impact of North Korean belligerence or instability on Chinese internal stability, and leaders in Japan and South Korea under siege in parliament because of the collapse of their stock markets, leaders in the North Korean capital of Pyongyang have grown increasingly boisterous about their country's claims to great power status as a nuclear weapons state. The junta in Myanmar has chosen this moment to arrest hundreds of political dissidents and thumb its nose at fellow members of the 10-country Association of Southeast Asian Nations. Iran continues its nuclear program while exploiting differences between the US, UK and France (or the P-3 group) and China and Russia - differences that could become more pronounced if economic friction with Beijing or Russia crowds out cooperation or if Western European governments grow nervous about sanctions as a tool of policy. It is possible that the economic downturn will make these dangerous states more pliable because of falling fuel prices (Iran) and greater need for foreign aid (North Korea and Myanmar), but that may depend on the extent that authoritarian leaders care about the well-being of their people or face internal political pressures linked to the economy. So far, there is little evidence to suggest either and much evidence to suggest these dangerous states see an opportunity to advance their asymmetrical advantages against the international system. Challenges to the democratic model The trend in East Asia has been for developing economies to steadily embrace democracy and the rule of law in order to sustain their national success. But to thrive, new democracies also have to deliver basic economic growth. The economic crisis has hit democracies hard, with Japanese Prime Minister Aso Taro's approval collapsing to single digits in the polls and South Korea's Lee Myung-bak and Taiwan's Ma Ying Jeou doing only a little better (and the collapse in Taiwan's exports - particularly to China - is sure to undermine Ma's argument that a more accommodating stance toward Beijing will bring economic benefits to Taiwan). Thailand's new coalition government has an uncertain future after two years of post-coup drift and now economic crisis. The string of old and new democracies in East Asia has helped to anchor US relations with China and to maintain what former secretary of state Condoleezza Rice once called a "balance of power that favors freedom". A reversal of the democratic expansion of the past two decades would not only impact the global balance of power but also increase the potential number of failed states, with all the attendant risk they bring from harboring terrorists to incubating pandemic diseases and trafficking in persons. It would also undermine the demonstration effect of liberal norms we are urging China to embrace at home. Protectionism The collapse of financial markets in 1929 was compounded by protectionist measures such as the Smoot-Hawley tariff act in 1932. Suddenly, the economic collapse became a zero-sum race for autarkic trading blocs that became a key cause of war. Today, the globalization of finance, services and manufacturing networks and the World Trade Organization (WTO) make such a rapid move to trading blocs unlikely. However, protectionism could still unravel the international system through other guises. Already, new spending packages around the world are providing support for certain industries that might be perceived by foreign competitors as unfair trade measures, potentially creating a "Smoot-Hawley 2.0" stimulus effect as governments race to prop up industries. "Buy American" conditionality in the US economic stimulus package earlier this year was watered down somewhat by the Obama administration, but it set a tempting precedent for other countries to put up barriers to close markets.

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**Terror threat low now- weakened terrorists not focused on large-scale attacks on the West- best intel**

Ackerman, 13 -- Wired senior reporter [Spencer, "Spy Chiefs Point to a Much, Much Weaker Al-Qaida," Wired, 3-13-13, www.wired.com/dangerroom/2013/03/spy-terrorism/, accessed 9-18-13, mss]

Don’t ever expect the heads of the U.S.’ 16-agency spy apparatus to say it outright. But the testimony they provided Tuesday morning to a Senate panel described al-Qaida, the scourge of the U.S. for 12 years, as a threat that’s on the verge of becoming a spent force, if they’re not already. James Clapper, the director of national intelligence, and his colleagues at the CIA, Defense Intelligence Agency, National Counterterrorism Center and State Department, never made that contention outright to the Senate Select Committee on Intelligence on Tuesday. But in their annual public briefing on the threats America faces, they focused on their budgets and on cyber attacks more than they did terrorism. Not only was that itself a big change in the annual exercise, what they said about the threat from al-Qaida was mostly cheerful news. Al-Qaida’s core in Pakistan is so degraded that it is “probably unable to carry out complex, large-scale attacks in the West,” Clapper testified. (.pdf) Its regional affiliates, in Iraq, Somalia and northern Africa, are focused on local attacks. Despite all the online propaganda seeking to radicalize American Muslim, homegrown jihadis will attempt “fewer than ten domestic plots per year.” Last year, the plots hit the single digits; no one died from them. Matt Olsen, the director of the National Counterterrorism Center, testified that those attempts are and are likely to remain “unsophisticated.” Those al-Qaida manages to inspire may be “wayward knuckleheads,” Olsen said, but they’ll remain a challenge for the spy apparatus to monitor and disrupt. The exception is al-Qaida in the Arabian Peninsula, the Yemen affiliate of the organization, which remains the one most inclined to attack the U.S. at home. FBI director Robert Mueller said the threat to U.S. airliners from that affiliate is “undiminished.” Attacking outside Yemen remains a priority for the organization. But Clapper said they’ll have to balance that agenda with both their aspirations in Yemen and the degree to which “they have individuals who can manage, train, and deploy operatives for U.S. operations.” To be clear, not a single spy chief said that al-Qaida is no longer a big deal. Not a single spy chief said that al-Qaida no longer threatens the United States. And not a single spy chief so much as hinted that it’s time for U.S. officials to consider the global war on terrorism finished. Ever since the Benghazi attack of September, those officials and their spy chiefs have stopped predicting that al-Qaida is on the verge of defeat. If anything, Clapper warned that the budget crunch he’s under might make it harder to spot and prevent the next al-Qaida attack. Yet the picture they presented of al-Qaida is no longer one of a determined global movement growing in strength; seeking the world’s deadliest weapons; and capable of pulling off complex, mass-casualty assaults. Benghazi, and the January attack on an Algerian oil field, look like models for the terrorist threats of the future: ones that occur far from U.S. soil, launched by unaffiliated groups that are primarily focused on a local agenda, yet sufficiently inspired by al-Qaida’s rhetoric or sympathetic to its worldview that unsecured western targets of opportunity are in its cross-hairs. Left unsaid and un-debated at the hearing: whether that diminished threat means it’s time to roll back the U.S. global wartime apparatus; or whether it’s only diminished because of an aggressive wartime apparatus that needs to keep doing what it’s doing, lest the threat re-emerge.

**Drones key- disruption, decapitation, and destroys safe havens, specialists, and training**

Byman, 13 -- Georgetown University Security Studies professor

[Daniel, Brookings Institution Saban Center for Middle East Policy Senior Fellow, "Why Drones Work," Foreign Affairs, July/August 2013, http://www.brookings.edu/research/articles/2013/06/17-drones-obama-weapon-choice-us-counterterrorism-byman, accessed 8-28-13, mss]

Despite President Barack Obama’s recent call to reduce the United States’ reliance on drones, they will likely remain his administration’s weapon of choice. Whereas President George W. Bush oversaw fewer than 50 drone strikes during his tenure, Obama has signed off on over 400 of them in the last four years, making the program the **centerpiece** of U.S. counterterrorism strategy. The drones have done their job remarkably well: by killing key leaders and denying terrorists sanctuaries in Pakistan, Yemen, and, to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups. And they have done so at little financial cost, at no risk to U.S. forces, and with fewer civilian casualties than many alternative methods would have caused. Critics, however, remain skeptical. They claim that drones kill thousands of innocent civilians, alienate allied governments, anger foreign publics, illegally target Americans, and set a dangerous precedent that irresponsible governments will abuse. Some of these criticisms are valid; others, less so. In the end, drone strikes remain a necessary instrument of counterterrorism. The United States simply cannot tolerate terrorist safe havens in remote parts of Pakistan and elsewhere, and drones offer a comparatively low-risk way of targeting these areas while minimizing collateral damage. So drone warfare is here to stay, and it is likely to expand in the years to come as other countries’ capabilities catch up with those of the United States. But Washington must continue to improve its drone policy, spelling out clearer rules for extrajudicial and extraterritorial killings so that tyrannical regimes will have a harder time pointing to the U.S. drone program to justify attacks against political opponents. At the same time, even as it solidifies the drone program, Washington must remain mindful of the built-in limits of low-cost, unmanned interventions, since the very convenience of drone warfare risks dragging the United States into conflicts it could otherwise avoid. NOBODY DOES IT BETTER The Obama administration relies on drones for one simple reason: they work. According to data compiled by the New America Foundation, since Obama has been in the White House, U.S. drones have killed an estimated 3,300 al Qaeda, Taliban, and other jihadist operatives in Pakistan and Yemen. That number includes over 50 senior leaders of al Qaeda and the Taliban -- top figures who are not easily replaced. In 2010, Osama bin Laden warned his chief aide, Atiyah Abd al-Rahman, who was later killed by a drone strike in the Waziristan region of Pakistan in 2011, that when experienced leaders are eliminated, the result is “the rise of lower leaders who are not as experienced as the former leaders” and who are prone to errors and miscalculations. And drones also hurt terrorist organizations when they eliminate operatives who are lower down on the food chain but who boast special skills: passport forgers, bomb makers, recruiters, and fundraisers. Drones have also undercut terrorists’ ability to communicate and to train new recruits. In order to avoid attracting drones, al Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers. A tip sheet found among jihadists in Mali advised militants to “maintain complete silence of all wireless contacts” and “avoid gathering in open areas.” Leaders, however, cannot give orders when they are incommunicado, and training on a large scale is nearly impossible when a drone strike could wipe out an entire group of new recruits. Drones have turned al Qaeda’s command and training structures into a liability, forcing the group to choose between having no leaders and risking dead leaders.

**the plan allows Al Qaeda recovery**

Cilluffo, 11 -- George Washington University Homeland Security Policy Institute director

[Frank, "After bin Laden the Threat Remains: Drones, CIA and SOF Still the Only Game in Town," 5-2-11, HSPI Commentary 22, www.gwumc.edu/hspi/policy/commentary022\_after\_bin\_laden.cfm, accessed 8-19-13, mss]

In May 2009, just four months into his tenure as the Director of the Central Intelligence Agency, Panetta assessed the situation this way: “Very frankly, [drone strikes are] the **only game in town** in terms of confronting or trying to disrupt the al Qaeda leadership.” That same year, Petraeus highlighted the imperative behind applying “a lot of pressure” while arguing that “for us, a terrorist is a terrorist, whether he operates on this side of the border or that side of the border.” Today, their assessments remain as valid (if not more so) than they were two years ago. American drone strikes, in conjunction with countless clandestine operations carried out by the CIA, US Special Forces teams (and the Pakistani military), have placed unrelenting pressure on al Qaeda, its offshoots, and fellow-travelers. Although admittedly imperfect and perhaps at times heavy-handed, these reconnaissance and strike missions have served our national interests and helped shield us from harm. In effect, these missions have provided suppressive fire against a concert of jihadi terrorists that now includes not only al Qaeda, but the Haqqani network, Lashkar-e-Tayyiba, Tehrik-e Taliban Pakistan, Harkat-ul-Jihad-al-Islami, and the Islamic Movement of Uzbekistan. This suppressive fire has degraded the performance of these jihadists, limiting their wherewithal to organize, plan, and carry out the large-scale mass-casualty attacks for which they yearn. Yet, suppressive fire is only effective for the duration of the fire. **Let up, and the terrorists will quickly regain** their **lost capabilities and recover the** operational **time and space** they need **to go** back **on the offensive**. Now is certainly not the time to let up. Nevertheless, strike missions are not a panacea and should not be taken lightly. For more than twenty years, the US has worked to cultivate relationships with foreign intelligence services, police, and militaries to aid in the fight against global terrorists. Although these efforts have met with limited success, they must continue. The difficult situation we face today would be far worse if we had not undertaken such — and it would quickly deteriorate if we were to walk away now. The dearth of capable, stable, and trustworthy partners in the FATA region means we will be increasingly forced to rely on these and other unconventional tools of statecraft. Islamabad remains unable to exercise the writ of government over much of its territory (or bureaucracy). Under these circumstances, history teaches us that governments also lack the ability to prevent their soil, citizens, and resources from being usurped. Thus the US must maintain its political flexibility and tactical maneuverability. The US must maintain its ability to carry out unconventional reconnaissance and paramilitary missions. This represents a critical, and increasingly important argument — for Pakistan is not an isolated case. In Yemen, in Somalia, in Sudan — and in a growing list of other un- and undergoverned nation-states we are witness to a similar pattern. In the world’s most dangerous places, the US has few partners and fewer options. At the same time, we face a continued threat from those who would do us grave harm. Under these conditions, and with the capability and moral imperative to protect our citizens, the United States must reject demands to curtail the use of drones, CIA, or Special Forces. When it comes to disrupting the activities of jihadi terrorists, these foils remain the only game in town — their value again demonstrated last night. Today, we owe a debt of gratitude to those nameless, faceless individuals who pilot the drones, collect and analyze the intelligence, and when called upon carry out the paramilitary missions. As we move forward, I hope we continue to provide them with the tools, resources, and room to maneuver necessary to do their jobs as well as they have in the last twenty-four hours.

**Terrorism causes extinction- retaliation**

Ayson 10 - Professor of Strategic Studies and Director of the Centre for Strategic Studies: New Zealand at the Victoria University of Wellington (Robert, July. “After a Terrorist Nuclear Attack: Envisaging Catalytic Effects.” Studies in Conflict & Terrorism, Vol. 33, Issue 7. InformaWorld.)

But these two nuclear worlds—a non-state actor nuclear attack and a catastrophic interstate nuclear exchange—are not necessarily separable. It is just possible that some sort of terrorist attack, and especially an act of nuclear terrorism, could precipitate a chain of events leading to a massive exchange of nuclear weapons between two or more of the states that possess them. In this context, today’s and tomorrow’s terrorist groups might assume the place allotted during the early Cold War years to new state possessors of small nuclear arsenals who were seen as raising the risks of a catalytic nuclear war between the superpowers started by third parties. These risks were considered in the late 1950s and early 1960s as concerns grew about nuclear proliferation, the so-called n+1 problem. It may require a considerable amount of imagination to depict an especially plausible situation where an act of nuclear terrorism could lead to such a massive inter-state nuclear war. For example, in the event of a terrorist nuclear attack on the United States, it might well be wondered just how Russia and/or China could plausibly be brought into the picture, not least because they seem unlikely to be fingered as the most obvious state sponsors or encouragers of terrorist groups. They would seem far too responsible to be involved in supporting that sort of terrorist behavior that could just as easily threaten them as well. Some possibilities, however remote, do suggest themselves. For example, how might the United States react if it was thought or discovered that the fissile material used in the act of nuclear terrorism had come from Russian stocks,40 and if for some reason Moscow denied any responsibility for nuclear laxity? The correct attribution of that nuclear material to a particular country might not be a case of science fiction given the observation by Michael May et al. that while the debris resulting from a nuclear explosion would be “spread over a wide area in tiny fragments, its radioactivity makes it detectable, identifiable and collectable, and a wealth of information can be obtained from its analysis: the efficiency of the explosion, the materials used and, most important … some indication of where the nuclear material came from.”41 Alternatively, if the act of nuclear terrorism came as a complete surprise, and American officials refused to believe that a terrorist group was fully responsible (or responsible at all) suspicion would shift immediately to state possessors. Ruling out Western ally countries like the United Kingdom and France, and probably Israel and India as well, authorities in Washington would be left with a very short list consisting of North Korea, perhaps Iran if its program continues, and possibly Pakistan. But at what stage would Russia and China be definitely ruled out in this high stakes game of nuclear Cluedo? In particular, if the act of nuclear terrorism occurred against a backdrop of existing tension in Washington’s relations with Russia and/or China, and at a time when threats had already been traded between these major powers, would officials and political leaders not be tempted to assume the worst? Of course, the chances of this occurring would only seem to increase if the United States was already involved in some sort of limited armed conflict with Russia and/or China, or if they were confronting each other from a distance in a proxy war, as unlikely as these developments may seem at the present time. The reverse might well apply too: should a nuclear terrorist attack occur in Russia or China during a period of heightened tension or even limited conflict with the United States, could Moscow and Beijing resist the pressures that might rise domestically to consider the United States as a possible perpetrator or encourager of the attack? Washington’s early response to a terrorist nuclear attack on its own soil might also raise the possibility of an unwanted (and nuclear aided) confrontation with Russia and/or China. For example, in the noise and confusion during the immediate aftermath of the terrorist nuclear attack, the U.S. president might be expected to place the country’s armed forces, including its nuclear arsenal, on a higher stage of alert. In such a tense environment, when careful planning runs up against the friction of reality, it is just possible that Moscow and/or China might mistakenly read this as a sign of U.S. intentions to use force (and possibly nuclear force) against them. In that situation, the temptations to preempt such actions might grow, although it must be admitted that any preemption would probably still meet with a devastating response. As part of its initial response to the act of nuclear terrorism (as discussed earlier) Washington might decide to order a significant conventional (or nuclear) retaliatory or disarming attack against the leadership of the terrorist group and/or states seen to support that group. Depending on the identity and especially the location of these targets, Russia and/or China might interpret such action as being far too close for their comfort, and potentially as an infringement on their spheres of influence and even on their sovereignty. One far-fetched but perhaps not impossible scenario might stem from a judgment in Washington that some of the main aiders and abetters of the terrorist action resided somewhere such as Chechnya, perhaps in connection with what Allison claims is the “Chechen insurgents’ … long-standing interest in all things nuclear.”42 American pressure on that part of the world would almost certainly raise alarms in Moscow that might require a degree of advanced consultation from Washington that the latter found itself unable or unwilling to provide. There is also the question of how other nuclear-armed states respond to the act of nuclear terrorism on another member of that special club. It could reasonably be expected that following a nuclear terrorist attack on the United States, bothRussia and China would extend immediate sympathy and support to Washington and would work alongside the United States in the Security Council. But there is just a chance, albeit a slim one, where the support of Russia and/or China is less automatic in some cases than in others. For example, what would happen if the United States wished to discuss its right to retaliate against groups based in their territory? If, for some reason, Washington found the responses of Russia and China deeply underwhelming, (neither “for us or against us”) might it also suspect that they secretly were in cahoots with the group, increasing (again perhaps ever so slightly) the chances of a major exchange. If the terrorist group had some connections to groups in Russia and China, or existed in areas of the world over which Russia and China held sway, and if Washington felt that Moscow or Beijing were placing a curiously modest level of pressure on them, what conclusions might it then draw about their culpability.

# Case

**Consequentialism is best**

**Murray 97** (Alastair, Professor of Politics at U. Of Wales-Swansea, *Reconstructing Realism*, p. 110)

Weber emphasised that, while the 'absolute ethic of the gospel' must be taken seriously, it is inadequate to the tasks of evaluation presented by politics. Against this 'ethic of ultimate ends' — Gesinnung — he therefore proposed the 'ethic of responsibility' — Verantwortung. First, whilst the former dictates only the purity of intentions and pays no attention to consequences, the ethic of responsibility commands acknowledgement of the divergence between intention and result. Its adherent 'does not feel in a position to burden others with the results of his [OR HER] own actions so far as he was able to foresee them; he [OR SHE] will say: these results are ascribed to my action'. Second, the 'ethic of ultimate ends' is incapable of dealing adequately with the moral dilemma presented by the necessity of using evil means to achieve moral ends: Everything that is striven for through political action operating with violent means and following an ethic of responsibility endangers the 'salvation of the soul.' If, however, one chases after the ultimate good in a war of beliefs, following a pure ethic of absolute ends, then the goals may be changed and discredited for generations, because responsibility for consequences is lacking. The 'ethic of responsibility', on the other hand, can accommodate this paradox and limit the employment of such means, because it accepts responsibility for the consequences which they imply. Thus, Weber maintains that only the ethic of responsibility can cope with the 'inner tension' between the 'demon of politics' and 'the god of love'. 9 The realists followed this conception closely in their formulation of a political ethic.10 This influence is particularly clear in Morgenthau.11 In terms of the first element of this conception, the rejection of a purely deontological ethic, Morgenthau echoed Weber's formulation, arguing tha/t:the political actor has, beyond the general moral duties, a special moral responsibility to act wisely ... The individual, acting on his own behalf, may act unwisely without moral reproach as long as the consequences of his inexpedient action concern only [HER OR] himself. What is done in the political sphere by its very nature concerns others who must suffer from unwise action. What is here done with good intentions but unwisely and hence with disastrous results is morally defective; for it violates the ethics of responsibility to which all action affecting others, and hence political action par excellence, is subject.12 This led Morgenthau to argue, in terms of the concern to reject doctrines which advocate that the end justifies the means, that the impossibility of the logic underlying this doctrine 'leads to the negation of absolute ethical judgements altogether'.13

**Utilitarianism is inevitable**

**Ratner 84**, professor of law at USC, 1984 (Leonard G. Ratner p.727, professor of law at USC, 1984 Hofstra Law Journal. “The Utilitarian Imperative: Autonomy, Reciprocity, and Evolution” heinonline)

Utilitarianism reconciles autonomy and reciprocity, surmounts the strident intuitionist attack, and exposes the utilitarian underpinning of a priori rights." In the context of the information provided by biology, anthropology, economics, and other disciplines, a functional description of evolutionary utilitarianism identities enhanced per capita need/want fulfillment as the long-term utilitarian-majoritarian goal, illuminates the critical relationship of self interest to that goal, and discloses the trial-and-error process of accommodation and priority assignment that implements it.” The description confirms that process as arbiter of the tension between individual welfare and group welfare (i.e., between autonomy and reciprocity)\*° and suggests a utilitarian imperative: that utilitarianism is unavoidable, that morality rests ultimately on utilitarian self interest, that in the final analysis all of us are personal utilitarians and most of us are social utilitarians.

**Extinction comes first**

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

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

[Graphic Omitted]

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

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

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

(1) Peace.

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

(3) A nuclear war that kills 100%.

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

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

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

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

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

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

# Moar case

**Drones prevent a shift to worse alternatives –**

**First is troops – Drones prevent ground invasion**

**Cronin 9/2**, Audrey Kurth, Professor of Public Policy at George Mason University, “Drones Over Damascus,” 9/2, http://www.foreignaffairs.com/articles/139889/audrey-kurth-cronin/drones-over-damascus?cid=nlc-this\_week\_on\_foreign\_affairs-090513-drones\_over\_damascus\_4-090513&sp\_mid=42509875&sp\_rid=aHVyd2pzMTJAd2Z1LmVkdQS2

Armed drones have a preventive role to play, as well. They can keep terrorist threats at bay, and thus **reduce the chance that Washington will** need to **send troops to battle** insurgents in faraway places. Since 2009, U.S. counterterrorism efforts have involved hundreds of remote-controlled strikes by unmanned aerial vehicles. These were meant to prevent attacks on the United States and its allies by al Qaeda, the Taliban, and other groups. In these cases, the argument goes, discriminate targeting to prevent such attacks beats invading countries after them.

**That’s way worse for the other**

Etzioni 13, Amitai, George Washington University international affairs professor, “In Defense of Drones,” April 2nd, http://nationalinterest.org/commentary/defense-drones-6715

Moreover, few things agitate Muslims around the world, polls show, more than the presence of American troops—which would have to be used if drones were parked. This was recently highlighted when the **Libyan rebels welcomed American** and other NATO forces’ **bombardment** of the Qaddafi forces, **even after**, in some cases, **the rebels suffered** casualties as a result of **friendly fire—but they strongly opposed any foreign boots on their ground**. Drones are alienating, but not more so, and often less, than other things we must do if we are going to fight terrorists and those who harbor them.

**Second is Prompt Global Strike – Obama will use it as an alternative to drones**

**Farley, 11** -- University of Kentucky diplomacy professor [Robert, PhD University of Washington, "Over the Horizon: Libya, Airpower and Executive War Powers," World Politics Review, 6-29-11, www.worldpoliticsreview.com/articles/9321/over-the-horizon-libya-airpower-and-executive-war-powers, accessed 6-13-13, mss]

As Daniel Trombley argues, however, the justifications that America uses for its wars do not go away when Washington no longer finds them convenient. Rather, they lie ready for others to adopt when necessary. For example, if Japan embraced the doctrine that the use of airpower, or at least the support of air operations, did not constitute "hostilities," then Article 9 of its constitution prohibiting acts of war would effectively become meaningless. Similarly, there could be no more effective weapon for conducting stand-off intervention than China's growing force of precision-guided DF-21 ballistic missiles. While the legal interpretation used by the Obama administration to avoid congressional scrutiny has yet to have an impact on international law, the idea that "war without soldiers" does not constitute war will surely prove attractive to others. The most serious danger of such a legal posture, however, is that future U.S. administrations will adopt and expand the doctrine that airpower can be used without legal restrictions. This may seem an irrelevant concern today, given that Congress is far too supine to undertake its obligations of foreign policy oversight anyway. In the future, however, presidents may resort to airpower in order to avoid congressional limitations on their executive power. A longer-range concern is that as the United States continues to develop technologies that increase the distance between "shooter" and target, such as advanced drones and Prompt Global Strike, power over decisions of military and security policy would shift even more radically away from Congress and toward the executive. In the future, the relationship between Congress and the president on military affairs may increasingly resemble a model by which Congress supplies the executive with the means to conduct the military elements of foreign policy, but has little or no influence over how that policy is actually conducted. This development might make advocates of executive power happy, but few others would be enthused by a presidency capable of undertaking foreign wars at will.

Causes nuclear war

**Krepinevich and Kosiak 98** – Andrew F. Krepinevich, Executive Director of the Center for Strategic and Budgetary Assessments and Distinguished Visiting Professor of Public Policy at George Mason University, and Steven M. Kosiak, Director of Budget Studies at the Center for Strategic and Budgetary Assessments, “Smarter Bombs, Fewer Nukes,” Bulletin of the Atomic Scientists, November 1998, p. 30-31

On the other hand, there is a danger that the transition to a highly effective non-nuclear strategic strike capability could actually **make nuclear war more likely**, by blurring the distinction -- or "firebreak" -- between non-nuclear and nuclear capabilities. In other words, there is a danger that the United States will feel freer than it has in the past to conduct strategic strikes -- because it will be able to do so without resorting to nuclear weapons. However, the country on the receiving end may not view the distinction as particularly meaningful and may well feel compelled to **retaliate with nuclear weapons**. Similarly, there is a danger that the development of an effective non-nuclear strategic strike capability by the United States -- because it would appear to be much more usable than a nuclear strike capability -- would increase the incentives for potential adversaries to acquire at least a small nuclear arsenal, so that they too will have their homeland, or at least some portion of strategic targets within it, accorded "sanctuary" status. This may be especially true with less developed countries, which may view the acquisition of a substantial conventional strategic strike capability as well beyond their means, but view nuclear weapons as a relatively cheap, albeit primitive, counter to non-nuclear strategic strike operations.

**Third is outsourcing**

**The aff causes a Shift to PMC’s**

Michaels 4 (Jon – Law Clerk to the Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit; Law Clerk designate, the Honorable David H. Souter, U.S. Supreme Court; J.D., Yale Law School, “ARTICLE: BEYOND ACCOUNTABILITY: THE CONSTITUTIONAL, DEMOCRATIC, AND STRATEGIC PROBLEMS WITH PRIVATIZING WAR”, 2004, 82 Wash. U. L. Q. 1001, lexis)

[\*1008] Military privatization of combat duties, on the other hand, decidedly does. It has the potential to introduce a range of novel constitutional, democratic, and strategic harms that have few, if any, analogues in the context of domestic, commercial outsourcing. Military privatization can be, and perhaps already has been, used by government policymakers under Presidents Bill Clinton and George W. Bush to operate in the shadows of public attention, domestic and international laws, and even to circumvent congressional oversight. For a variety of political and legal reasons, the Executive may at times be constrained in deploying U.S. soldiers. The public's aversion to a military draft, the international community's disdain for American unilateralism, and Congress's reluctance to endorse an administration's hawkish foreign goals may each serve to inhibit, if not totally restrict, the president's ability to use U.S. troops in a given zone of conflict. In such scenarios, resorting to private contractors, dispatched to serve American interests without carrying the apparent symbolic or legal imprimatur of the United States, may be quite tempting. In those instances, it would not necessarily be the cheaper price tag or specialized expertise that makes private contractors desirable. Rather, it might be the status of the actors (as private, non-governmental agents) vis-a-vis public opinion, congressional scrutiny, and international law that entices policymakers to turn to contracting. Indeed, "tactical privatization," as I call it, is motivated at least in part by a desire to alter substantive policy: Private agents would be used to achieve public policy ends that would not otherwise be attainable, were the government confined to relying exclusively on members of the U.S. Armed Forces. Tactical privatization thus stands in contradistinction to what is widely understood to be the conventional privatization agenda, driven by economic goals, that strives for verisimilitude in replicating government responsibilities (only more efficiently). n19 To elude public debate, circumvent Congress's coordinate role in conducting military affairs, and evade Security Council dictates may help an administration achieve short-term, realpolitik ends; but in the process, the structural damage to the vibrancy and authenticity of public deliberation, to the integrity of America's constitutional architecture of separation of powers, and to the legitimacy of collective security may prove irreparable.

**They fail and turn the aff**

Singer 2 (P.W. – Director of the 21st Century Defense Initiative at the Brookings Institution, “Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security”, International Security, Vol. 26, No. 3, Winter 2001/2002 http://www.brookings.edu/~/media/research/files/articles/2002/1/01us%20military%20singer/20020128.pdf)

INCOMPLETE INFORMATION AND MONI TORING DIFFICULTIES. Problems of incomplete information and monitoring generally accompany outsourcing. Yet these are intensified in the military realm because few clients have experience in contracting with security agents. In most cases, there is ei ther little oversight or a lack of clearly defined requirements, or both. Add in the fog of war, and proper mon itoring becomes extremely difficult. Moreover, PMFs are usually autonomous and thus require extraterritorial monitoring. And at times, the actual consumer may not be the contracting party: Some states, for example, pay PMFs to supply personnel on their behalf to international organizations. Another difficulty is the firms' focus on the bottom line: PMFs may be tempted to cut corners to increase their profits. No matter how powerful the client, this risk cannot be 23 completely eliminated. During the Balkans conflict, for example, Brown & Root is alleged to have failed to deliver or severely overcharged the U.S. Army on four out of seven of its contractual obligations. 43 A further manifestation of this monitoring difficulty is the danger that PMFs may not perform their missions to the fullest. PMFs have incentives not only to prolong their contracts but also to avoid taking undue risks that might endanger their own corporate assets. The result may be a protracted conflict, which perhaps could have been avoided if the client had built up its own military forces or more closely monitored its private agent. This was certainly true of mercenaries in the Biafra conflict in the 1970s, and many suspect that this was also the case with PMFs in the Ethiopia-Eritrea conflict in 1997ñ99. In the latter instance, the Ethiopians essentially leased a small but complete air force from the Russian aeronautics firm Sukhoió including a wing of Su-27 jet fighter planes, pilots, and ground staff. Some contend, though, that this private Russian force failed to prosecute the war fullyófor example, by rarely engaging Eritreaís air force, which itself was rumored to have hired Russian and Ukrainian pilots. 44 A CRITICAL LOSS OF CONTROL. As PMFs become increasingly popular, so too does the danger of their clients becoming overly dependent on their services. Reliance on a private firm means that an integral part of one’s strategic success is vulnerable to changes in market costs and incentives. This can result in two potential risks to the security of the client: (1) the agent (the firm) might leave its principal (the client) in the lurch, or (2) the agent might gain dominance over the principal. A PMF may have no compunction about suspending a contract if a situation becomes too risky, in either financial or physical terms. Because they are typically based elsewhere, and in the absence of applicable international laws to enforce compliance, PMFs face no real risk of 24 punishment if they or their employees defect from their contractual obligations. Industry advocates dismiss these claims by noting that firms failing to fulfill the terms of their contracts would sully their reputation, thus hurting their chances of obtaining future contracts. Nevertheless, there are a number of situations in which shorter-term c onsiderations could prevail over long-term market punishment. In game-theoretic terms, each interaction with a private actor is sui generis. Exchanges in the international security market take the form of one-shot games, rather than guaranteed repeated plays. 45 Sierra Leone faced such a situation in 1994, when the type 1 firm that it had hired (the Gurkha Security Guards, made up primarily of Nepalese soldie rs) lost its commander in a rebel ambush. Reports suggest that the commander was la ter cannibalized. The firm decided to break its contract, and its employees fled the country, leaving its client wi thout an effective military option until it was able to hire another firm. 46 The loss of direct control as a result of privatization carries risks even for strong states. For U.S. military commanders, an added worry of terrorist targeting or the potential use of weapons of mass destruction is that their forces are more reliant than ever on the surge capacity of type 3 support firms. The employees of these firms, however, cannot be forced to stay at their posts in the face of these or any other dangers. 47 Because entire functions, such as weapons maintenance and supply, have become completely privatized, the entire military machine would break down if even a modest number of PMF employees chose to leave. In addition to sometimes failing to fulfill thei r contractual obligations, type 1 firms may pose another risk. In weak or failed states, PMFs , which are often the most powerful force on the local scene, may take steps to protect their own interests. Thus early termination of a contract, dissatisfaction with the terms of payment, or di sagreements over specific orders could lead to unpleasant repercussions for a weak client. Ind eed the corporate term "hostile takeover" may 25 well take on new meaning when speaking of the privatized military industry. The precedent does existófrom the condottieri , who took over their client regime s in the Middle Ages to the 1969 Mercenary Revolt in Zaire. More recently, there is continued suspicion that in 1996 Executive Outcomes helped to oust the leader of Sierra Le one, who headed the very regime that had hired it, in favor of another local general with w hom the firmís executives had a better working relationship

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#### Turns the K - war leads to dehumanization and social exclusion

**Maiese, 03** [Michelle, research staff at the Conflict Research Consortium, July, The Beyond Intractability Project: Guy Burgess and Heidi Burgess” http://www.beyondintractability.org/essay/dehumanization/]

Dehumanization is a psychological process whereby opponents view each other as less than human and thus not deserving of moral consideration. Jews in the eyes of Nazis and Tutsis in the eyes of Hutus (in the Rwandan genocide) are but two examples. Protracted conflict strains relationships and makes it difficult for parties to recognize that they are part of a shared human community. Such conditions often lead to feelings of intense hatred and alienation among conflicting parties. The more severe the conflict, the more the psychological distance between groups will widen. Eventually, this can result in moral exclusion. Those excluded are typically viewed as inferior, evil, or criminal.[1] We typically think that all people have some basic human rights that should not be violated. Innocent people should not be murdered, raped, or tortured. Rather, international law suggests that they should be treated justly and fairly, with dignity and respect. They deserve to have their basic needs met, and to have some freedom to make autonomous decisions. In times of war, parties must take care to protect the lives of innocent civilians on the opposing side. Even those guilty of breaking the law should receive a fair trial, and should not be subject to any sort of cruel or unusual punishment. However, for individuals viewed as outside the scope of morality and justice, "the concepts of deserving basic needs and fair treatment do not apply and can seem irrelevant."[2] Any harm that befalls such individuals seems warranted, and perhaps even morally justified. Those excluded from the scope of morality are typically perceived as psychologically distant, expendable, and deserving of treatment that would not be acceptable for those included in one's moral community. Common criteria for exclusion include ideology, skin color, and cognitive capacity. We typically dehumanize those whom we perceive as a threat to our well-being or values.[3] Psychologically, it is necessary to categorize one's enemy as sub-human in order to legitimize increased violence or justify the violation of basic human rights. Moral exclusion reduces restraints against harming or exploiting certain groups of people. In severe cases, dehumanization makes the violation of generally accepted norms of behavior regarding one's fellow man seem reasonable, or even necessary

#### Religiously motivated – not from blowback

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Complacency about the threat is perhaps the biggest obstacle to forging the urgent, in-depth international cooperation needed to secure nuclear stockpiles and reduce the danger of nuclear terrorism. Many policymakers around the world continue to believe that it would take a Manhattan Project to make a nuclear bomb, that it would be almost impossible for terrorists to get the necessary nuclear material, and that the risk of terrorists getting and using a nuclear bomb is therefore vanishingly small. The experience of finding that Iraq did not have nuclear, chemical, or biological weapons in 2003 has made many justifiably skeptical of other assertions about serious threats from such weapons. Unfortunately, while no one can say precisely what the probability of nuclear terrorism is, the danger is very real. Several unfortunate facts shape the risk the world faces. Some Terrorists are Seeking Nuclear Weapons Most terrorist groups are focused on small-scale violence to attain local objectives. For them, the old adage that “terrorists want a lot of people watching, not a lot of people dead” holds true, and nuclear weapons are likely to be irrelevant or counterproductive for their goals. But a small set of terrorists with global ambitions and nihilistic visions clearly are eager to get and use a nuclear bomb. Osama bin Laden has called the acquisition of nuclear weapons or other weapons of mass destruction a “religious duty.”1 For years, al Qaeda operatives have repeatedly expressed the desire to inflict a “Hiroshima” on the United States.2 Al Qaeda operatives have made repeated attempts to buy nuclear material for a nuclear bomb, or to recruit nuclear expertise. Shortly before the 9/11 attacks, for example, bin Laden and Ayman al-Zawahiri met with two senior Pakistani nuclear scientists to discuss nuclear weapons.3 Former CIA Director George Tenet reports that the two provided al Qaeda with a rough sketch of a nuclear bomb design, and that U.S. officials were so concerned about the activities of the “charity” they had established (whose board of directors also included a range of senior retired military officers, and which reportedly also offered nuclear weapons help to Libya) that President Bush directed him to fly to Pakistan and discuss the matter directly with Pakistani President Pervez Musharraf. 4 Sultan Bashiruddin Mahmoud, the more senior of the two, had long argued that Pakistan’s nuclear weapons rightfully belonged to the whole worldwide “ummah,” or Muslim community, and had advocated sharing nuclear weapons technology. 5 After the 9/11 attacks, intelligence agencies from the United States and other countries learned that in the years leading up to the attacks, al Qaeda had a focused nuclear weapons program managed by Abdel Aziz al-Masri (aka Ali Sayyid al- Bakri), an Egyptian explosives expert. The program reported directly to Zawahiri, as did al Qaeda’s anthrax efforts, its other major strategic-scale weapons of mass destruction program. This program reportedly got to the point of carrying out tests of conventional explosives for use in a nuclear bomb.6 Al Qaeda’s nuclear efforts apparently continued after the disruptions the group faced following the overthrow of the Taliban government and the removal of al Qaeda’s Afghan sanctuary. In 2002-2003, U.S. intelligence received a “stream of reliable reporting” that the leadership of al Qaeda’s cell in Saudi Arabia was negotiating to purchase three objects they believed to be Russian “nuclear devices,” and that al Qaeda’s central leadership had approved the purchase if a Pakistani expert using his equipment confirmed that they were genuine. (The actual nature of these “devices,” if they existed, the name of the Pakistani expert, and the type of equipment he was to use to examine the devices have never been learned.)7 At the same time these discussions were taking place, bin Laden arranged for a radical Saudi cleric to issue a fatwa or religious ruling authorizing the use of nuclear weapons against American civilians.8 The cleric who issued the fatwa was the “steady companion” of the al Qaeda operative leading the negotiations over the nuclear devices. 9 Before al Qaeda, the Japanese terror cult Aum Shinrikyo also made a concerted effort to get nuclear weapons.10 Chechen terrorists have certainly pursued the possibility of a radioactive “dirty bomb,” and there are at least suggestive indications that they also have pursued nuclear weapons— including two incidents of terrorists conducting reconnaissance at secret nuclear weapon storage sites, confirmed by Russian officials. There are at least some indications that Pakistani groups such as Lashkar-e-Taiba may also be interested—a particularly troubling possibility given the deep past connections these groups have had with Pakistani security services, their ongoing cooperation with al Qaeda, and the example of in-depth cooperation on unconventional weapons provided by al Qaeda’s work with Jemaah Islamiyah on anthrax.11 With at least two groups going down this path in the last 15 years, and possibly more, there is no reason to expect that others will not do so in the future. Some Terrorist Groups Might be Able to Make Crude Nuclear Bombs Repeated assessments by the U.S. government and other governments have concluded that it is plausible that a sophisticated terrorist group could make a crude nuclear explosive—capable of destroying the heart of a major city—if they got enough plutonium or HEU. A “gun-type” bomb made from HEU, in particular, is basically a matter of slamming two pieces of HEU together at high speed. An “implosion-type” bomb—in which precisely arranged explosives crush nuclear material to a much higher density, setting off the chain reaction—would be substantially more difficult for terrorists to accomplish, but is still plausible, particularly if they got knowledgeable help (as they have been actively attempting to do).12 One study by the now-defunct congressional Office of Technology Assessment summarized the technical reality: “A small group of people, none of whom have ever had access to the classified literature, could possibly design and build a crude nuclear explosive device... Only modest machine-shop facilities that could be contracted for without arousing suspicion would be required.”13 Indeed, even before the revelations from Afghanistan, U.S. intelligence concluded that “fabrication of at least a ‘crude’ nuclear device was within al-Qa’ida’s capabilities, if it could obtain fissile material.”14 It is important to understand that making a crude, unsafe, unreliable bomb of uncertain yield that might be carried in the back of a large van is a dramatically simpler task than designing and building a safe, secure, reliable, and efficient weapon deliverable by a ballistic missile, which a state might want to incorporate into its arsenal. Terrorists are highly unlikely to ever be able to make a sophisticated and efficient weapon, a task that requires a substantial nuclear weapons enterprise— but they may well be able to make a crude one. Their task would be easier if they managed to recruit experts with experience in key aspects of a national nuclear weapons program. Nuclear weapons themselves generally have substantial security measures and would be more difficult to steal than nuclear materials. If terrorists nevertheless managed to steal an assembled nuclear weapon from a state, there is a significant risk that they might figure out how to set it off—though this, too, would in most cases be a difficult challenge for a terrorist group.15 Many modern U.S. and Russian nuclear weapons are equipped with sophisticated electronic locks, known in the United States as “permissive action links” or PALs, intended to make it difficult to detonate the weapon without inserting an authorized code, which terrorists might find very difficult to bypass. Some weapons, however, are either not equipped with PALs or are equipped with older versions that lack some of the highest security features (such as “limited try” features that would permanently disable the weapon if the wrong code is inserted too many times or attempts are made to bypass the lock).16 Many nuclear weapons also have safety features designed to prevent the weapon from detonating unless it had gone through its expected flight to its target—such as intense acceleration followed by unpowered flight for a ballistic missile warhead—and these would also have to be bypassed, if they were present, for terrorists to be able to make use of an assembled nuclear weapon they acquired. If they could not figure out how to detonate a stolen weapon, terrorists might choose to remove its nuclear material and fashion a new bomb. Some modern, highly efficient designs might not contain enough material for a crude, inefficient terrorist bomb; but multistage thermonuclear weapons, with nuclear material in both the “primary” (the fission bomb that sets off the fusion reaction) and the “secondary” (where the fusion takes place) probably would provide sufficient material. In any case, terrorists in possession of a stolen nuclear weapon would be in a position to make fearsome threats, for no one would know for sure whether they could set it off. Terrorists Might be Able to Get HEU or Plutonium Unfortunately, there is also a real risk that terrorists could get the plutonium or HEU needed to make a nuclear bomb. As described in more detail in the next chapter, important weaknesses in nuclear security arrangements still exist in many countries, creating weaknesses that outsider or insider thieves might exploit. And as discussed in the previous chapter, theft of the essential ingredients of nuclear weapons is not a hypothetical worry but an ongoing reality—the IAEA has documented 18 cases of theft or loss or plutonium or HEU, confirmed by the states concerned. HEU-fueled research reactors, for example, sometimes located on university campuses, often have only the most minimal security measures in place. Many have few or no armed guards; very loose arrangements (if any) to screen personnel before granting them access to the reactor and its nuclear material; few means to detect intruders until they are entering the nuclear material areas; and little revenue to pay for more substantial security arrangements. In some cases, the security in place amounts to little more than a night watchman and a chain-link fence. In countries such as Pakistan, even substantial nuclear security systems are challenged by immense adversary threats, both from nuclear insiders—some with a demonstrated sympathy for Islamic extremists—and from outside attacks that might include scores or hundreds of armed attackers. In Russia, there have been dramatic improvements in security and accounting for nuclear materials since the early 1990s, and the most egregious security weaknesses—gaping holes in fences, lack of any detector to set off an alarm if plutonium or HEU is being removed—have been corrected, with U.S. and other assistance and Russia’s own efforts. But significant risks remain, from insider corruption to weak nuclear security regulation. In the end, all countries where these materials exist—including the United States—have more to do, and need to continually reassess their efforts, to ensure that the security and accounting measures they have in place are sufficient to meet the evolving threat. A nuclear security system not focused on continual improvement is likely to see its effectiveness decline over time as complacency sets in. Nuclear Smuggling Is Extremely Difficult to Interdict The nuclear material needed for a bomb is small and difficult to detect. Once such material has left the facility where it is supposed to be, it could be anywhere, and finding and recovering it poses an immense challenge. The plutonium required for an implosion-type nuclear bomb would fit in a soda can. The HEU required for the simplest type of nuclear bomb for terrorists to make, a less efficient “gun-type” bomb that slams two pieces of HEU together at high speed, is smaller than two two-liter bottles.17 The radiation from plutonium, and particularly from HEU, is weak and difficult to detect, particularly if the adversaries attempting to smuggle it use any significant amount of shielding. The detectors that are being widely deployed throughout the world— or even the more expensive Advanced Spectroscopic Portals (ASPs) that are being considered to replace them—would have little chance of detecting HEU metal if it had significant shielding.18 (Plutonium’s radiation is more penetrating and easier to detect.) To date, only one of the successes in seizing stolen nuclear material reportedly included the material being detected by one of these detectors; the others were the result of police and intelligence efforts, often including participants in the conspiracy or people they were trying to convince to help them or to buy their stolen nuclear material informing the police.19 A crude terrorist nuclear bomb would be considerably larger than the plutonium or HEU at its core, perhaps weighing a ton or so. Nevertheless, just as interdicting smuggling of nuclear materials poses immense challenges, it would also be extremely difficult to stop terrorists from smuggling a crude nuclear weapon to its target. A nuclear bomb might be delivered, intact or in ready-to-assemble pieces, by boat or aircraft or truck. The length of national borders, the diversity of means of transport, the vast scale of legitimate traffic across borders, and the ease of shielding the radiation from plutonium or especially from HEU all operate in favor of the terrorists. Building the overall system of legal infrastructure, intelligence, law enforcement, border and customs forces, and radiation detectors needed to find and recover stolen nuclear weapons or materials, or to interdict these as they cross national borders, is an extraordinarily difficult challenge.20

#### Their strategy has no way to deal with people who like killing, amounting to simple appeasement that guarantees more suffering and death – prefer ev in the context of IR

Hanson 2004

Victor Davis, Professor of Classical Studies at CSU Fresno, City Journal, Spring, <http://www.city->journal.org/html/14\_2\_the\_fruits.html

The twentieth century should have taught the citizens of liberal democracies the catastrophic consequences of placating tyrants. British and French restraint over the occupation of the Rhineland, the Anschluss, the absorption of the Czech Sudetenland, and the incorporation of Bohemia and Moravia did not win gratitude but rather Hitler’s contempt for their weakness. Fifty million dead, the Holocaust, and the near destruction of European civilization were the wages of “appeasement”—a term that early-1930s liberals proudly embraced as far more enlightened than the old idea of “deterrence” and “military readiness.” So too did Western excuses for the Russians’ violation of guarantees of free elections in postwar Eastern Europe, China, and Southeast Asia only embolden the Soviet Union. What eventually contained Stalinism was the Truman Doctrine, NATO, and nuclear deterrence—not the United Nations—and what destroyed its legacy was Ronald Reagan’s assertiveness, not Jimmy Carter’s accommodation or Richard Nixon’s détente. As long ago as the fourth century b.c., Demosthenes warned how complacency and self-delusion among an affluent and free Athenian people allowed a Macedonian thug like Philip II to end some four centuries of Greek liberty—and in a mere 20 years of creeping aggrandizement down the Greek peninsula. Thereafter, these historical lessons should have been clear to citizens of any liberal society: we must neither presume that comfort and security are our birthrights and are guaranteed without constant sacrifice and vigilance, nor expect that peoples outside the purview of bourgeois liberalism share our commitment to reason, tolerance, and enlightened self-interest. Most important, military deterrence and the willingness to use force against evil in its infancy usually end up, in the terrible arithmetic of war, saving more lives than they cost. All this can be a hard lesson to relearn each generation, especially now that we contend with the sirens of the mall, Oprah, and latte. Our affluence and leisure are as antithetical to the use of force as rural life and relative poverty once were catalysts for muscular action. The age-old lure of appeasement—perhaps they will cease with this latest concession, perhaps we provoked our enemies, perhaps demonstrations of our future good intentions will win their approval—was never more evident than in the recent Spanish elections, when an affluent European electorate, reeling from the horrific terrorist attack of 3/11, swept from power the pro-U.S. center-right government on the grounds that the mass murders were more the fault of the United States for dragging Spain into the effort to remove fascists and implant democracy in Iraq than of the primordial al-Qaidist culprits, who long ago promised the Western and Christian Iberians ruin for the Crusades and the Reconquista.

**Utilitarian calculations subsumes ethical or moral action**

**Kavka 1987**(Gregory S., prominent and influential figure in contemporary moral and political philosophy, Moral paradoxes of nuclear deterrence, pg. 17)

Turning to our normative assumption, we begin by notingthat any reasonable system of ethics must have substantial utilitarian elements.The assumption thatproduces the paradoxes of deterrence concerns the role of utilitarian considerations in determining one’s moral duty in a narrowly limited class of situations. Let us say that a great deal of utility is at stake in a given situationif either (1) reliable expected utilities are calculable and the difference in expected utility between the best act and its alternatives is extremely large, or(2)reliable expected utilities are not calculable and there areextremely large differences in utility between some possible outcomes of different available acts. Our assumption says that the act favored by utilitarian considerations should be performed whenever a great deal of utility is at stake. This means that, if the difference in expected, or possible, utilities of the available acts is extremely large(e.g., equivalent to the difference between life and death for a very large number of people), other moral considerations are overridden by utilitarian considerations

**Consequences must be evaluated – moral rights and wrongs are based on consequences.**

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Recent moral philosophy shows much interest in the problem of how deontological constraints are to be reconciled with consequentialism. On the one hand, there is the intuition that there are certain things it is simply wrong for an individual to do even if violating the prohibitions would produce better consequences. On the other hand, moral prohibitions themselves are not above critical scrutiny, and, when we turn to this enterprise, consequentialism broadly conceived has a powerful claim; for how else are we to evaluate and possibly revise our conception of morally right behavior if not by reflecting on the consequences? Trouble develops when we try to reconcile deontological intuitions with consequentialist insights. Some versions of rule utilitarianism have seemed promising at first, but dissatisfaction returns when we try to give a careful explanation of the relationship between the rules that are utilitarianly justified and the particular action that one is called upon to do. When it is absolutely clear to the agent in a particular case that following the rule will have some consequences than breaking it, even though the rule is in general the best, is it morally right to break the rule? If the rule is conceived as merely cautionary and simplifying, then there is no argument against bypassing it in a particular case in which the situation is wholly clear and the calculation has already taken place was unnecessary. On the other hand, if the rule is conceived as having some independent authority, then what is the nature of this independent authority? The rule-bound or superstitious person might adhere to the rule for its own sake, but the rational person would not. If we follow the usual deontological connection, there are also well-known difficulties. If it is simply wrong to kill the innocent, the wrongness must in some way be connected to the consequences. *That* an innocent person is killed must be a consequence that has some important bearing on the wrongness of the action; else why be so concerned about the killing of an innocent? Further, if it is wrong in certain cases for the agent to weigh the consequences in deciding whether to kill or break a promise, it is hard to deny that this has some connection to the consequences. Following this line of thought, it is consequentialist considerations of mistrust that stand behind such restrictions on what the agent may take into account.

**We have an obligation to prevent extinction**

**Lehman 98** (Hugh, Philosophy Department @ the University of Guelph, Ontario, “The End of the World: The Science and Ethics of Human Extinction”, Journal of Agricultural and Environmental Ethics, Vol. 11, Issue 1, p.63-4)GZ

It is of course impossible to rationally justify any precise numerical estimates of the probability of extinction of the human species. Leslie thinks that the danger of extinction is greatest in the short term. After that the human species will probably have colonized other planets and will, in consequence, have a far greater probability of long-term survival. Leslie himself thinks that the probability of our surviving the next ﬁve centuries is in the neighborhood of 70%. Of course, Leslie is not merely saying that there is a signiﬁcant probability that the human race will become extinct in the near future. He is also saying that this ought not to occur, that is, he is making an ethical claim. People envisaging acting in ways that risk causing the extinction of the human race ought to carefully assess the possible consequences of their actions and revise their behavior accord- ingly. Similarly, people ought to consider other events which might cause human extinction and, where possible, take steps to prevent such events from occurring. In chapter four, Leslie outlines his ethical position. In the ﬁnal chapter he discusses, brieﬂy, theoretical difﬁculties which arise in determining the best way to bring about such cooperation among human beings as may be necessary to avert disaster.

#### Threats are real and scenario building is the only way to avoid the harmful kinds of securitization – security itself cannot be deconstructed.

Weaver 2k (Ole international relations theory and the politics of European integration, p. 284-285, JT)

The other main possibility is to stress' responsibility. Particularly in a field like security one has to make choices and deal with the challenges and risks that one confronts – and not shy away into long-range or principled trans-formations. The meta political line risks (despite the theoretical commit­ment to the concrete other) implying that politics can be contained within large 'systemic questions. In line with the classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical trans­formation), there will be no more problems whereas in our situation (until the change) we should not deal with the 'small questions' of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida's 'justice') is of a kind that can never be instan­tiated in any concrete political order – It is an experience of the undecidable that exceeds any concrete solution and reinserts politics. Therefore, politics can never be reduced to meta-questions there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engage­ment' (Derrida 1996: 83). Derrida's politics is focused on the calls that demand response/responsi­bility contained in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. 'Security' is not a way to open (or keep open) an ethical horizon. Security is a much more situational concept oriented to the handling of specifics. It belongs to the sphere of how to handle challenges – and avoid 'the worst' (Derrida 1991). Here enters again the possible pessimism which for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some 'good deed', 'I have assumed my responsibilities ' (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would be no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks - and the question of how to handle them. Should developments be securitized (and if so, in what// terms)? Often, our reply will be to aim for de-securitization and then politics meet meta-politics; but occasionally the underlying pessimism regarding the prospects for orderliness and compatibility among human aspirations will point to scenarios sufficiently worrisome that responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence - even if this occasionally means invoking/producing `structures' or even using the dubious instrument of securitization. In the case of the current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of pre­empting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.