## aff answers

### 2ac – at: nb – no spillover

### 2ac – judicial oversight bad – top level

#### Congressional oversight solves – Courts are the worst of all worlds – judicial scrutiny of foreign affairs undermines effective responses to terrorism, climate change, disease, and democratic backsliding

Martin 15 (David A; Warner-Booker Distinguished Professor of International Law Emeritus at the University of Virginia, former principal deputy general counsel of the Department of Homeland Security, member of the Homeland Security Advisory Council, J.D. from Yale Law School; 2015; “Why Immigration’s Plenary Power Doctrine Endures”; <https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1013&context=olr>; Oklahoma Law Review, Vol. 68, No. 1; accessed 6/26/18; TV)

Justice Field, of course, does wind up treating the political branch’s conclusions, in this particular setting, as conclusive on the judiciary — but he does not rest that outcome on the idea that immigration control is a sovereign power outside the reach of the Constitution. Instead, he offers a statement about institutional roles seen as appropriate for the respective branches of government in this specific domain. In the foreign arena, he writes, as a matter of “self-preservation,”34 the government has the “highest duty” to “preserve . . . independence, and give security against foreign aggression and encroachment.”35 To achieve these ends, the government is clothed with authority to determine the occasion on which the powers shall be called forth; and its determinations, so far as the subjects affected are concerned, are necessarily conclusive upon all its departments and officers. . . . The existence of war would render the necessity of the proceeding only more obvious and pressing. The same necessity, in a less pressing degree, may arise when war does not exist, and the same authority which adjudges the necessity in one case must also determine it in the other. In both cases its determination is conclusive upon the judiciary.36 In other words, in 1888, the political branches judged necessary the application of a new absolute rule excluding Chinese laborers, in order to achieve security against what Congress deemed a type of foreign encroachment.37 Even with misgivings about the justice or fairness of the action, the courts will not second-guess that judgment of necessity. In realms touching upon foreign relations and potential national self-preservation, Field indicates, the nation must speak with one voice, and it is not for the courts to introduce a discordant sound. B. Complexity, Prophecy, and Experimentation in Foreign Affairs Decisionmaking Some critics of the plenary power doctrine question this asserted linkage between immigration and foreign affairs. Chinese exclusion was not a foreign affairs decision, they assert, but one driven by domestic political considerations — and in fact it worsened our relations with China.38 The invocation of foreign affairs is seen as a pretext covering up uglier motives, and the plenary power doctrine prevents courts from looking behind the mask.39 Therefore, some assert that courts should simply provide the ordinary measure of constitutional scrutiny — to smoke out invidious motives or at least to provide an appropriate evaluation of the weight of the governmental interest in light of the individual stake.40 This kind of pre-textual invocation certainly can occur. But here is the difficulty: We should not assume that pretexts in the foreign affairs arena are readily identifiable. As Justice Breyer observed in a recent political question case: Decisionmaking in [the foreign affairs] area typically is highly political. It is “delicate” and “complex.” It often rests upon information readily available to the Executive Branch and to the intelligence committees of Congress, but not readily available to the courts. It frequently is highly dependent upon what Justice Jackson called “prophecy.” And the creation of wise foreign policy typically lies well beyond the experience or professional capacity of a judge. At the same time, where foreign affairs is at issue, the practical need for the United States to speak “with one voice and ac[t] as one,” is particularly important.41 Many of the nation’s policy tools in the foreign arena are crude and imprecise, with uncertain impact. This very uncertainty may require trial-and-error application, with a need for quick policy changes, especially in times of crisis. Therefore, deference to the political branches is called for, not because we can always be sure that their motives are pure and nondiscriminatory — we cannot — but because subjecting these measures to detailed litigation would interfere with the flexibility often necessary to act beyond our borders. A too-ready judicial interference would also impair our ability to deploy uncertain tools — deriving from immigration control, trade regulation, or other components of our international relations — according to a single unified strategy.42 C. An Example: The Contrast to Domestic Measures Consider the seizure of U.S. diplomats by militants in Tehran in 1978. After the embassy invasion was ratified and defended by the new Iranian government, the U.S. government turned to a disparate variety of countermeasures to try to win release of the American hostages, including the seizure of billions of dollars in assets of Iran and of its companies and nationals, litigation in the International Court of Justice, an ill-fated military rescue attempt after Iran defied the International Court, diplomatic overtures through Algeria, and certain immigration-law-based restrictions imposed on Iranian nationals in the United States.43 There were even proposals at the time to use immigration or other powers to intern large numbers of Iranian nationals so they could perhaps be part of an exchange that would bring the diplomats home.44 Thankfully, such internment was never put into motion. Contrast the trial-and-error use of these generally crude and scattershot measures with how the government would respond to a domestic kidnapping and potential hostage situation. The police could deploy quickly to investigate who seized the victims and where they were currently located. In that process the authorities could use judicial search warrants to facilitate the inquiry, plus arrest warrants and compulsory grand jury subpoenas as appropriate. They could call on a wide range of assistance and technical support from a host of fully empowered domestic agencies, state and federal. Once the kidnappers were located, the police would establish perimeter control around the hostage site. No hostile militias would stand in the way (or if such appeared, other governmental power, including the National Guard, could be deployed). In a protracted standoff, judicially issued search warrants might help legitimate a forcible rescue operation. And the full weight of criminal punishment, imposed through efficiently functioning courts, could be expected for the kidnappers or hostage takers. This comparison helps reveal why courts are positioned to apply close constitutional scrutiny of official domestic action, whenever it is credibly challenged, but properly feel more constrained in the international arena. In the international arena, U.S. actors generally cannot invoke compulsory process or other reliable coercive means under their own government’s control. Moreover, the stakes are typically higher, as is the number of people potentially affected — not only by the immediate outcome but also by downstream effects, as the resolution either deters similar adverse actions in the future or instead stimulates them because the U.S. effort failed. With a domestic operation, judges can be confident that the government will still have plenty of capacity to deal with public safety threats, even in the presence of robust judicial review. One cannot have such confidence about the efficacy of alternative policy tools in the global arena if domestic judicial action begins to prevent or second-guess or slow down the use of those initially chosen by the political branches. Another difference between the two settings is relevant. In the domestic arena, we do not tolerate individuals using tit-for-tat responses to remedy wrongful behavior. I cannot justify seizing and carrying away my neighbor’s television on the ground that he borrowed my riding mower months ago and never returned it. But this prohibition on messy self-help obtains precisely because efficient hierarchical legal mechanisms, involving professional police and a developed court system, stand available to redress my neighbor’s wrongful act. In recent decades, the world has taken limited but hopeful steps toward investing transnational institutions with comparable powers, but progress remains quite uneven across different policy domains. The plenary power doctrine manifests the Supreme Court’s judgment that the kind of detailed constitutional scrutiny appropriate for the mature and developed domestic public order is not workable in the more primitive international legal system, marked primarily by horizontal action-and-response to try to rectify breaches. D. The Nongovernmental Component of Foreign Affairs Decisionmaking Foreign affairs are involved in immigration decisionmaking for another, more entangling reason, even when there is no clear effort to retaliate against or to influence a foreign government. Most high-level immigration decisions — by Congress or by the executive branch — are designed, at least in part, to influence or shape behavior overseas by individuals and nonstate actors, including both prospective immigrants (contemplating either legal or illegal channels) and smuggling organizations. For example, the decision (part of Operation Streamline45) to prosecute a high percentage of simple entrants without inspection caught along the southern border, causing them to spend some time in jail or prison before being repatriated, has been criticized as disproportionate to the inherent nature of this misdemeanor offense.46 But this critique misunderstands the policy decision. Operation Streamline is primarily meant to send a deterrent message to others contemplating a future clandestine crossing.47 The same is true of decisions to repatriate violators to a distant part of the land border rather than back to the border town from which they entered and where their coyote may be waiting to help them try again to enter.48 To take another example, in 1994, the Clinton administration decided to decouple the grant of work authorization from the simple act of filing for asylum, as had been provided under earlier regulations, though this change would mean that many applicants would be without a means of support, other than private or family charity, for as long as 180 days. This austere step was taken, in significant part, to discourage people planning to come to the United States to file an ill-founded claim that previously would have secured several years of residence and lawful work while they awaited a hearing.49 Changes to the treatment or opportunities of noncitizens in the United States, whether in the direction of restriction or liberalization, almost inevitably affect the decisions of people and organizations abroad who are thinking about organizing or participating in migration to the United States. Smuggling organizations, in fact, often build their business plans around finding and exploiting weak spots in immigration laws or processes.50 As a result, some U.S. government measures take on a more severe or restrictive aspect than might initially seem to be warranted by the acts of the individuals most immediately affected. This is because the policymakers mean the action not just for those who are the direct object of enforcement on U.S. soil but also for the message sent to others they want to deter. This dynamic appears to explain, in significant part, the Obama administration’s decisions to respond to the southwest border migration surge in summer of 2014 with a surprisingly severe set of measures, including sustained detention, even though the subjects were mainly children traveling with a mother or other relative. The executive branch also implemented accelerated removal processing where the law permitted such action, and assured substantial publicity for the flight whenever recent migrants were deported by airplane to their home country.51 Despite sharp criticism, these practices persisted, and they seem to have had much of the desired deterrent impact in the foreign nations at issue. In fact, monthly arrivals of unaccompanied minors from these countries declined from 10,631 in June 2014 to 2,432 in September.52 This kind of deterrence-based action, focused on overseas individuals and nongovernmental players, is also an aspect of foreign affairs, even though it falls below the plane of high-level geopolitics. It likewise may need to take the form of rough-hewn trial-and-error, like the more traditional foreign-relations actions directed at governments. The Supreme Court’s case law over the years appears to consider such policy choices equally worthy of foreign-affairs deference.53 This analysis is not meant as advocacy for the quick or expansive use of immigration restrictions to respond to objectionable or unwelcome actions of foreign governments or nonstate actors. For reasons of both policy and proportion, immigration sanctions of this type should be sparingly deployed. But the Court’s doctrine of deference in Chae Chan Ping and later cases is based on the recognition that even for relatively liberal foreign-affairs decisionmakers, rough-hewn actions that initially seem outsized or individually unfair might need to be in the mix to respond to, or to help shape, actions that others are taking abroad.54 III. Why the Court Resists Even Moderate Proposals for a More Active Judicial Role A more nuanced branch of the Chae Chan Ping criticism accepts that foreign affairs considerations may well be at stake in some immigration decisions, but would modify the doctrine to allow for a carefully structured closer judicial look.55 The courts, such observers contend, should not take political branch assertions as controlling, but instead should perform an initial judicial probe of the asserted reasons, to decide whether the challenged immigration restriction rests on a significant foreign affairs foundation. If the answer is yes, then the reviewing court should treat the political branches’ decision as dispositive — essentially, as a political question not subject to judicial review. But if not, then the court should apply ordinary modes of constitutional review, which might well bring a form of heightened scrutiny. At first glance, this kind of proposal would seem to offer an attractive middle ground to the Supreme Court. Yet the Court in practice has manifested great resistance to these scholarly invitations. Why? In my view, a majority of the Justices harbor a deep skepticism that lower courts can be trusted to give sufficient weight to foreign policy concerns in making any such threshold assessment. The very nature of immigration litigation in the courts of appeals, with an actual and often sympathetic human being front and center, makes a reviewing judge far more likely to overvalue the individual interests at stake and undervalue the more subtle and complex reasons why a particular measure may be needed for system stability or to influence behavior beyond our borders — connections that often would not become fully apparent until broader damage is manifested months or years after an interventionist judicial decision.56 Anna Law’s book, The Immigration Battle in American Courts, documents this disparity in outlook between the Supreme Court and the lower courts quite revealingly. She describes “how [lower court] judges can disregard congressional edicts limiting their scope of review in order to reach a desired result,”57 and can usually get away with it because the Supreme Court can review only a tiny fraction of their decisions.58 Professor Law regards this stance by the courts of appeals as a virtue, but the Supreme Court doubtless views it otherwise. Keeping the plenary power doctrine categorical gives the Supreme Court greater assurance that lower courts will preserve the space needed for government actions to meet real foreign affairs imperatives (even if this stance inevitably also leaves room for some ill-motivated actions adopted by the political branches). If this symposium were being held at the time of Chae Chan Ping’s centennial, in 1989, we might have had greater reason to expect some softening by the Supreme Court regarding the deference doctrine in the foreign affairs arena. Exactly twenty-five years before the week when this symposium convened in Norman, Oklahoma, the Berlin Wall fell, signaling that the Soviet bloc was coming apart, about to be replaced, in many instances, by democratic governments. Lengthy wars were ending in Latin America, and dictators were being forced from office. It appeared we were on the cusp of a far more benign world order — one that might permit the rapid flowering of more protective international legal institutions and thereby reduce reliance on crude action-and-response in the international arena. Today’s global scene is far more grim. Not only has the United States experienced the trauma of al Qaeda’s September 11 attacks, which revealed a genuine need for more vigilant immigration screening, but democratic nations are also facing new global threats from other nongovernmental actors who actually glorify the use of beheadings, crucifixion, and slavery, in addition to other players using more old-fashioned forms of terrorism directed at civilians. Failed states are more common, and well-armed insurgencies have proliferated. The march of democracy has slowed and, in several countries, reversed. Climate change and even plague-like diseases presage more complicated foreign policy challenges, many of which will have a migration dimension. The risks to the United States, if our government’s foreign-policy-linked initiatives are unsuccessful, now seem far higher than in 1989. Thus, I do not foresee the Supreme Court retreating significantly from the strong deference doctrines derived from Chae Chan Ping. 59

### 2ac – judicial oversight bad – leaks

#### No spillover – Congressional exemptions circumvent AND Courts won’t oversee intel gathering procedures – OR, causes leaks – wrecks ISR capabilities to avoid compromising sources

Elizabeth Rindskopf-Parker & Pate 7, Bryan Pate, 2007, “Rethinking Judicial Oversight of Intelligence,” in Reforming Intelligence: Obstacles to Democratic Control and Effectiveness, <https://www.academia.edu/13052951/Reforming_Intelligence>, nihara

To function effectively, all democratic governments must subject their actions to open public debate, review, discussion, and response. These are the essential ingredients of oversight and accountability. Yet, to survive in an often hostile world, these same governments must also be able to collect, analyze, and use foreign and domestic intelligence—information of ongoing value only insofar as its methods of collection and secrecy can be maintained. This is the paradox of intelligence oversight: the need to achieve open review of secret materials and activities without destroying their value.

In the United States, there are many established mechanisms of oversight and accountability, both inside and outside the government. Under the U.S. Constitution, the three separate branches of the federal government—executive, legislative, and judiciary—share power through a system of checks and balances. Each has the obligation and authority to ensure that the other two branches perform their assigned functions appropriately. This tripartite division naturally encourages oversight and accountability between the branches. In addition, each arm of the government provides its own unique internal oversight. Within the executive branch, management reviews are conducted by numerous offices, each of which typically includes an inspector general and a general counsel to ensure that it is complying with the law.

Congressional oversight occurs through the appropriations process, congressional audits, and statutory reporting requirements. Judicial review of the legality of actions taken by the two political branches occurs frequently, with judgments rendered on a case-by-case basis. Outside the government, the actions of each branch are subjected to scrutiny by an independent and active press and are ultimately adjudged by the electorate through the democratic process.

Yet, for the national intelligence system, these traditional oversight mechanisms are an awkward fit. Perhaps this is part of the reason why, historically, oversight of intelligence has been uneven in its success. Often, the importance of maintaining secrecy to protect the sources and methods of the intelligence capabilities appears directly opposed to the effective functioning of the existing oversight structures. Moreover, the secrecy surrounding intelligence activities seems to limit the role of the press to reporting on periodic scandals—some real, some not. Some critics argue that the broader goals of oversight—the effectiveness of the overall intelligence system—are inadequately served by the current system.1

Secrecy concerns have also restricted the judiciary’s role in reviewing intelligence activities. For good reason, court procedures in a democracy do not easily accommodate secrecy. Uncomfortable with secret procedures, the judiciary has been reluctant to engage issues arising from intelligence activities, even when such matters are properly presented to them.2 There is an important corollary to the concerns of the judiciary: judicial openness is commonly seen by all branches of government as a threat to effective intelligence gathering. Thus, because revealing individual secret facts can threaten the underlying ‘‘sources and methods’’ by which substantial amounts of intelligence are produced, legislated exceptions to public legal review are common where intelligence information is involved. Most notable in this regard is the exception for foreign intelligence contained in the Freedom of Information Act—the primary statute providing accountability through citizen access to government information.3

In a few of the areas where intelligence issues inevitably come under the purview of the judiciary, Congress has stepped in to strike the balance between competing concerns. For example, to facilitate the adjudication of criminal trials that involve critical evidence that cannot be made publicly available, Congress has established the Classified Information Procedures Act (CIPA).4 CIPA is modeled on earlier protective orders fashioned by the judiciary to handle such problems and provides a procedure for the courts to follow in handling classified evidence during a public trial. It is the means Congress has chosen to achieve the dual objectives of protecting national security and ensuring defendants a fair trial.

Procedural provisions like CIPA, however, have not alleviated the fundamental impediment to greater judicial involvement in the review of intelligence activities: an overriding reluctance on the part of the judiciary to become involved with foreign affairs and national security concerns. Is this resistance inevitable and unavoidable? Or are there structures that exist now, or could be devised, that would allow greater oversight by the courts in the overall process of collecting, analyzing, and using intelligence?

These questions are particularly timely as terrorism places the national security structures under increasing pressure to respond in new ways both at home and abroad. With headlines exposing abused detainees, ‘‘torture memos,’’ race-based ‘‘no-fly lists,’’ and ‘‘illegal wiretapping,’’ it is evident that the traditional balance between national security and individual liberty is being challenged, making even more important the courts’ role in ensuring that responses to terrorism do not fundamentally degrade personal freedoms and liberties.What role should the courts have in intelligence oversight in a time of terrorism? Before considering this question, we will first review the origins of existing oversight structures; then we will examine the basis for the judiciary’s reluctance to participate in national security matters; and finally, we will consider one example of active judicial oversight that may presage future approaches, especially if terrorism continues to pose a credible threat beyond the foreseeable future.

#### Independently, miscalc from ISR failure escalates to full-scale nuclear war – nothing checks

Dr. Bruce G. Blair 20, Research Scholar in the Program on Science and Global Security at Princeton University, PhD in Operations Research from Yale University, “Loose Cannons: The President and US Nuclear Posture”, Bulletin of the Atomic Scientists, Volume 76, Issue 1 [language modified; abbreviation in brackets]

The fog of nuclear conflict will prove all the thicker because leaders and planners lack adequate knowledge about their adversaries’ mind-set, resolve, wartime aims, and game plans. For instance, de-classified Soviet documents show clearly that the US strategy of “escalation dominance” was completely out of sync with Soviet nuclear strategy and that escalation to full-scale nuclear war was virtually inevitable if the United States struck first.13 After many decades of scholarly research, it is still not known what leaders in Moscow and Beijing were thinking during Cold War crises involving US attempts to threaten nuclear violence to coerce them.14 Today it would be foolhardy in the extreme to presume we would know Putin’s, Xi’s, and Kim’s minds and behavior in wartime. A prudent leader would not only refrain from initiating the actual use of nuclear weapons because of the danger of escalation; that leader would also refrain from brandishing them at all during a confrontation. The fear of an adversary striking first is the leading textbook cause of crisis instability. To stabilize a military crisis situation, what is actually needed is predictability and reassurance that first use is not on the table. For many strategists, however, taking options off the table looks like weakness. Retired Gen. James Mattis (the recent defense secretary) has a favorite military maxim: “Never tell the enemy what you are not going to do.” Strategists weaned on Thomas Schelling’s classic game theory arguments believe threatening, manipulating risk, and blackmailing are the currency of savvy crisis diplomacy. And it is certainly true that past US presidents have regularly played nuclear brinks~~man~~ship with the Soviets and Chinese and displayed incautious risk-taking in their crisis maneuvering. This was in fact the playbook of the Nixon advisors who ordered the world-wide nuclear alert that my crewmate and I helped implement in 1973. This alert sent a provocative message to the Soviets: The United States was prepared to play nuclear roulette to gets its way.15 Nuclear roulette begins at the outset of a crisis as the belligerents intensify their [ISR] intelligence, surveillance, and reconnaissance operations. The aim is to maintain “situation awareness,” but the activities lend themselves to the worst-case interpretation that the adversary is updating its targeting in preparing to strike. Similarly, nuclear forces and command structures are programmed to go to higher readiness to prepare for war if the adversary will not back down. Although the motives may be defensive, these activities may appear to be precursors of a first strike and provoke an action-reaction spiral that spins out of control. Certainly, if even a single nuclear weapon were used, the strategic nuclear forces on both sides would move rapidly to a maximum war footing and project credible mutual threats of large-scale preemptive attack. In sum, a nuclear posture gearing up for a possible enemy first strike risks becoming a self-fulfilling prophecy. From the perspective of presidential decision making, the first-use contingency could easily accelerate escalation to the point of causing mental duress. This contingency is also notable for its absence of guardrails and the ease with which a misguided or rattled president could order it. The launch protocol described earlier for launch on warning applies equally to first use. Although the timeline could be extended greatly, the president could choose at any time to end the discussion and order a strike. During the Cold War, I seldom practiced executing a first strike, and today there are no foreseeable scenarios that would justify transgressing the nuclear taboo of first use. Nevertheless, a first nuclear strike remains the default contingency of the US posture, owing to the huge uncertainties surrounding the alternatives – second-strike retaliation and launch on warning. A crisis that brings the belligerents to the brink of nuclear war would compel consideration of first use. Nuclear warfighters who reject the adage that a nuclear war cannot be won and must never be fought may well brief and tout the purported warfighting advantages of going first. Even though first use runs counter to and undermines the entire framework of the global nuclear order, in which nuclear weapons exist only to deter, leaders may waver if it seems the least fraught choice at the moment of truth. An impulsive president may be drawn to it. Wiser advisors may counsel restraint, but nothing would stand in the way of the president ordering a first strike. The likely if not inevitable consequence of attacking a nuclear adversary with nuclear weapons is nuclear retaliation and uncontrolled escalation that crosses the threshold of acceptable damage to this nation. First use runs an existential risk to the United States and the world. It carries a huge risk of triggering a nuclear exchange of cataclysmic proportions with massive casualties to all the belligerent parties and beyond.

### 1ar – xt: leaks undermine intel

#### Leaks lead intelligence agencies to self-deter to avoid compromising sources

Edward **Lucas 14**, Senior editor at the Economist, former foreign correspondent with 30 years' experience in Russian and east European affairs, is the author of, among other publications, Deception (2011), which deals with east-west espionage, and The New Cold War (2008), which gave warning of the threat posed by Vladimir Putin's Russia, nonresident fellow at CEPA, a think-tank in Washington, DC, “The Snowden Operation: Inside the West’s Greatest Intelligence Disaster,” Kindle, 2014, p 37-62

Chapter Three: Damage Control The mere whiff of a breach acts like nerve poison on intelligence agencies. If you lose even a single document, or believe an unauthorised person has had access to it, assumptions must be of worst-case scenarios. Assume that the Russians learn that an outwardly boring Irish insurance broker in the Ukrainian capital Kiev, for example, is actually an undercover officer of Britain's Secret Intelligence Service. What will they be able to do with that information? Will he be in danger? Will they able to find what agents he is running? If so, they must be brought out: they risk arrest. Maybe the agents are safe, but the operation cannot continue: in that case everyone involved must be stood down inconspicuously. What about colleagues? Safe houses? Dead-letter boxes? Another question is when the breach occurred. Can one be sure that this was the first instance? How solid is the 'product' (the intelligence obtained from the compromised network or individual)? Should it be assessed or analysed differently? Is it possible that the adversary used the breach to feed misleading information and then monitor the results? The answers to these questions may be 'no'. But an experienced team of counter-intelligence officers must ask them, find the answers, check and double-check. The taint of even a minor breach must be analysed, contained and cleaned. If a single breach is a serious problem, two make a nightmare— particularly if the missing material comes from different bits of the organisation. Documents which may on their own be quite anodyne can be gravely damaging if they are combined. Revealing an intelligence officer's cover name may be no big deal. But combined with his previous travel, it could be the clue that gives the adversary details of an operation. Multiple breaches increase the problem exponentially. Each bit of compromised information must be assessed not only on its own, but in relation to every other piece of data. As the numbers mount, the maths becomes formidable. Four bits of information have 24 possible combinations. Seven have 5,040. Ten have more than three million. If Snowden has taken a million documents, the permutations that—in theory—need to be examined exceed the number of atoms in the universe.

### 2ac – leaks – democracy !

#### Leaks wreck US democracy promotion efforts

Margaret B. Kwoka 14, Assistant Professor, University of Denver Sturm College of Law, “Leaking and Legitimacy,” SSRN Scholarly Paper, ID 2494375, Social Science Research Network, 09/10/2014, papers.ssrn.com, doi:10.2139/ssrn.2494375

The effect of most leaked information, however, is not nearly so clear as these extreme hypotheticals. Pozen recently argued that the government has deliberately chosen not to punish leakers because while individual leaks may be harmful to government interests, leaks as a whole are more beneficial than detrimental.92 A permissive attitude toward leaks allows the government to credibly “plant” information in the press, and promotes the public’s belief in the legitimacy of the government, compensating for an overbroad classification system.93 The focus of Pozen’s analysis, however, is the much more common, everyday leaks of higher-level government officials, and Pozen acknowledges that some leaks can be truly harmful.94 Citing Chelsea Manning’s disclosures to WikiLeaks as a “rare undeniable leak”95 of the unauthorized nature, Pozen concedes that even a permissive approach to leakiness “cannot tolerate the proliferation of internal dissenters who seek to impeach the entire secrecy and national security system.”96 Pozen’s account of the costs and benefits of leaking thus does not fully account for the deluge leak.

1. Past Harms

Are deluge leaks, then, the leaks that may cause so much harm that they cannot be tolerated? Certainly, government officials have been harsh in their condemnation of past deluge leaks. For example, highlevel officials declared that Assange, and his source of Afghanistan war documents (then unknown) “might already have on their hands the blood of some young soldier or that of an Afghan family,”97 \*\*\*FOOTNOTE BEGINS\*\*\* 97 Greg Jaffe & Joshua Partlow, Joint Chiefs Chairman Mullen: WikiLeaks Release Endangers Troops, Afghans, WASH. POST, July 30, 2010, at A4 (quoting the Chairman of the Joint Chiefs of Staff). President Obama also made early comments about WikiLeaks disclosures: “I’m concerned about disclosure of sensitive information from the battlefield that could potentially jeopardize individuals or operations.” Obama on WikiLeaks: ‘I’m Concerned,’ ABC NEWS (July 27, 2010), http://abcnews.go.com/Politics/ video/obama-wikileaks-im-concerned-11260389. \*\*\*FOOTNOTE ENDS\*\*\* that Manning’s leak of State Department cables “put at risk our diplomats, intelligence professionals and people around the world who come to the United States for assistance in promoting democracy and open government,”98 \*\*\*FOOTNOTE BEGINS\*\*\* 98 Key Reactions to Wikileaks Cables Revelations, BBC (Nov. 29, 2010, 5:28 PM), http://www.bbc.co.uk/news/world-us-canada-11866220 (quoting a White House statement). U.S. Representative Peter Hoekstra, the senior Republican on the House Intelligence Committee, also stated that “[m]any other countries — allies and foes alike — are likely to ask ‘Can the United States be trusted? Can the United States keep a secret?’” Id. \*\*\*FOOTNOTE ENDS\*\*\* and that the records leaked by Snowden were “putting at risk our national security and some very vital ways that we are able to get intelligence that we need to secure the country.”99

#### Shoring up the democratic model cascades and prevents a global erosion to authoritarianism that causes nuclear war

Dr. Larry Diamond 19, Professor of Political Science and Sociology at Stanford University, Senior Fellow at the Hoover Institution, Senior Fellow at the Freeman Spogli Institute for International Studies, PhD in Sociology from Stanford University, Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency, p. 199-202

The most obvious response to the ill winds blowing from the world’s autocracies is to help the winds of freedom blowing in the other direction. The democracies of the West cannot save themselves if they do not stand with democrats around the world.

This is truer now than ever, for several reasons. We live in a globalized world, one in which models, trends, and ideas cascade across borders. Any wind of change may gather quickly and blow with gale force. People everywhere form ideas about how to govern—or simply about which forms of government and sources of power may be irresistible—based on what they see happening elsewhere. We are now immersed in a fierce global contest of ideas, information, and norms. In the digital age, that contest is moving at lightning speed, shaping how people think about their political systems and the way the world runs. As doubts about and threats to democracy are mounting in the West, this is not a contest that the democracies can afford to lose.

Globalization, with its flows of trade and information, raises the stakes for us in another way. Authoritarian and badly governed regimes increasingly pose a direct threat to popular sovereignty and the rule of law in our own democracies. Covert flows of money and influence are subverting and corrupting our democratic processes and institutions. They will not stop just because Americans and others pretend that we have no stake in the future of freedom in the world. If we want to defend the core principles of self-government, transparency, and accountability in our own democracies, we have no choice but to promote them globally.

It is not enough to say that dictatorship is bad and that democracy, however flawed, is still better. Popular enthusiasm for a lesser evil cannot be sustained indefinitely. People need the inspiration of a positive vision. Democracy must demonstrate that it is a just and fair political system that advances humane values and the common good.

To make our republics more perfect, established democracies must not only adopt reforms to more fully include and empower their own citizens. They must also support people, groups, and institutions struggling to achieve democratic values elsewhere. The best way to counter Russian rage and Chinese ambition is to show that Moscow and Beijing are on the wrong side of history; that people everywhere yearn to be free; and that they can make freedom work to achieve a more just, sustainable, and prosperous society.

In our networked age, both idealism and the harder imperatives of global power and security argue for more democracy, not less. For one thing, if we do not worry about the quality of governance in lower-income countries, we will face more and more troubled and failing states. Famine and genocide are the curse of authoritarian states, not democratic ones. Outright state collapse is the ultimate, bitter fruit of tyranny. When countries like Syria, Libya, and Afghanistan descend into civil war; when poor states in Africa cannot generate jobs and improve their citizens’ lives due to rule by corrupt and callous strongmen; when Central American societies are held hostage by brutal gangs and kleptocratic rulers, people flee—and wash up on the shores of the democracies. Europe and the United States cannot withstand the rising pressures of immigration unless they work to support better, more stable and accountable government in troubled countries. The world has simply grown too small, too flat, and too fast to wall off rotten states and pretend they are on some other planet.

Hard security interests are at stake. As even the Trump administration’s 2017 National Security Strategy makes clear, the main threats to U.S. national security all stem from authoritarianism, whether in the form of tyrannies from Russia and China to Iran and North Korea or in the guise of antidemocratic terrorist movements such as ISIS.1 By supporting the development of democracy around the world, we can deny these authoritarian adversaries the geopolitical running room they seek. Just as Russia, China, and Iran are trying to undermine democracies to bend other countries to their will, so too can we contain these autocrats’ ambitions by helping other countries build effective, resilient democracies that can withstand the dictators’ malevolence.

Of course, democratically elected governments with open societies will not support the American line on every issue. But no free society wants to mortgage its future to another country. The American national interest would best be secured by a pluralistic world of free countries—one in which autocrats can no longer use corruption and coercion to gobble up resources, alliances, and territory.

If you look back over our history to see who has posed a threat to the United States and our allies, it has always been authoritarian regimes and empires. As political scientists have long noted, no two democracies have ever gone to war with each other—ever. It is not the democracies of the world that are supporting international terrorism, proliferating weapons of mass destruction, or threatening the territory of their neighbors.

For all these reasons, we need a new global campaign for freedom. Everything I am proposing in this book plays a role in that campaign, but in this chapter, I am concerned more narrowly with the ways that we can directly advance democracy, human rights, and the rule of law in the twenty-first-century world.

As with any policy area, many of the challenges can be somewhat technical, requiring smart design and the careful management of programs and institutions. Those operational debates I leave for another venue. Here, I make a more basic case for four imperatives. First, we must support the democrats of the world—the people and organizations struggling to create and improve free and accountable government. Second, we must support struggling and developing democracies, helping them to grow their economies and strengthen their institutions. Third, we must pressure authoritarian regimes to stop abusing the rights and stealing the resources of their citizens, including by imposing sanctions on dictators to make them think hard about their choices and separate them from both their supporters and the people at large. Finally, we need to reboot our public diplomacy—our global networks of information and ideas—for today’s fast-paced age of information and disinformation. For the sake of both our interests and our values, we need a foreign policy that puts a high priority on democracy, human rights, and the rule of law.

### 2ac – deterrence !

#### Leaks wreck nuclear deterrence

Rachel Elizabeth Whitlark 19, Political scientist and assistant professor of international affairs at the Georgia Institute of Technology, “5. Should Presidential Command Over Nuclear Launch Have Limitations? In A Word, No.,” Texas National Security Review, 7-2-2019, https://tnsr.org/roundtable/policy-roundtable-nuclear-first-use-and-presidential-authority/

While passing a law to require congressional or military-legal approval before a nuclear launch could take place may seek to address fears of an unjustified attack, taking such steps would be misguided. Specifically, it would introduce complexity and dangerous time delays that would, as an unintended consequence, undermine deterrence, the quintessential purpose of nuclear weapons in the United States. That said, there are ways to build more oversight of the president’s nuclear authority while still maintaining the critical deterrence mission.

Presidential Authority

From the moment consideration begins, a president can launch nuclear weapons in mere minutes. To initiate the process, the president discusses the situation with key members of the defense establishment, including the secretary of defense, the head of U.S. Strategic Command (responsible for strategic nuclear weapons in the U.S. arsenal), and the combatant commanders whose geographical jurisdictions might be relevant to the mission at hand. As a group, these individuals are critical for discussing attack plans and targeting, as well as for offering advice and counsel to the president, who alone must make the eventual determination for how to proceed. Embedded in the deliberations are legal considerations, as the military personnel are bound by the Law of Armed Conflict,89 which demands necessity, distinction (between civilian and military targets), and proportionality for any use of force. As such, legal expertise is woven into military activities, including nuclear missions, from the planning stage to the execution. From the initial deliberation, if an order is given, it is verified by the Department of Defense and communicated to the relevant launch crews, who carry it out.90

Two sets of actors seem to be missing from or lacking formal roles in this process. The first is Congress. For foreign and military matters, the U.S. Constitution deliberately enshrined a system of shared powers between the executive and legislative branches.91 Article I gives Congress the power to declare war, raise and support armies, and provide and maintain navies. Article II reserves the role of commander-in-chief of the Army and the Navy for the office of the president. While only Congress can declare war, presidents have repeatedly ordered forces into action without congressional approval. Likewise, although the Constitution is silent on nuclear matters for obvious reasons, the president’s commander-in-chief authority has extended to control over nuclear use. One key motivation for this policy follows from the founders’ desire to enshrine civilian control over the military. Nuclear authority specifically derives from World War II, when the president’s commander-in-chief authority extended, by default, to Harry Truman’s nuclear launch decision in 1945.92 Since then, when issues have arisen regarding which war powers of the president are beyond congressional control, little has been resolved, perhaps because the judiciary has been wary of wading too far into this debate.93

In light of this lack of a formal role for Congress in nuclear command authority, on Jan. 29, 2019, Sen. Ed Markey and Rep. Ted W. Lieu reintroduced a bill first brought forward during the Obama administration that seeks to prevent the president from launching a nuclear first strike without congressional approval.94 There are 82 House co-sponsors and 13 in the Senate. Functionally, the bills seek to legally prohibit the president from using nuclear weapons without first determining that an enemy has launched a nuclear attack against the United States. Absent such a determination, the launch of nuclear weapons must be preceded by a congressional declaration of war that explicitly authorizes nuclear use.

The second set of actors without a formal role in the process is the secretary of defense and the attorney general. In light of this, a second proposal, authored by Columbia University professors Richard Betts and Matthew Waxman, supports requiring additional authentication of a presidential order to use nuclear weapons,95 and does so by formalizing a role for the defense and legal leadership. Betts and Waxman advocate two added layers of verification. First, the defense secretary, or her/his designee, would certify that the order to launch nuclear weapons was valid, i.e., that it was actually from the commander-in-chief. Second, the attorney general, or her/his designee, would certify the order was legal. Through these measures, the defense and legal authorities would have a formal role beyond their current advisory capacity.

Dangerous Limitations

Beyond constitutional concerns, there are substantive reasons to be skeptical of limiting presidential authority in this arena. Specifically, from a national security perspective, it is useful to have the ability to conduct war in the hands of a single person because of the relative speed with which one actor can mobilize when compared to the speed of 535 people. When threats manifest, it is often the case that speed and secrecy are paramount considerations for a state deciding how to respond. To that end, national security decisions like mobilizing for war could suffer — through leaks and lengthy discussion and debate — if they must occur within the halls of Congress. Speed, stealth, and nimble deliberations can be incredibly important for executing foreign policy and military operations. This remains the case both for consideration of nuclear strikes as well as for conventional scenarios, as these features are central to deterrence. Any changes to the existing system that could undermine deterrence should be avoided.

#### Extinction

Michaela Dodge & Adam Lowther 16, Dodge is a Senior Policy Analyst for Defense and Strategic Policy at The Heritage Foundation; Lowther, Ph.D., is a Director of the School for Advanced Nuclear Deterrence Studies, “A No-First-Use Policy Would Make the United States Less Secure,” E-International Relations, 10/4/2016, https://www.e-ir.info/2016/10/04/a-no-first-use-policy-would-make-the-united-states-less-secure/

The very term “no-first-use” is misleading. While a nuclear weapon has not been used in anger for over 70 years, nuclear weapons are used every single day to deter large-scale conventional and nuclear attacks. Former Air Force Chief of Staff General Larry Welch points out that “we have used the nuclear forces every second of every day for 50 years.” Moreover, during those 50 years, humankind has experienced the most peaceful period in its history as measured by the number of conflict-related casualties as a proportion of the world’s population. This is due in large part to the devastating risks that nuclear weapons pose to any society that is attacked with them. For the United States and the Soviet Union, a large-scale nuclear exchange meant the end of society as Americans and Russians had known it. That risk led American and Soviet leaders to exercise a level of caution and restraint that was not exercised by German, Japanese, and other world leaders in the years leading up to World War II.

If the United States were to adopt a no-first-use policy, the perceived threat of nuclear conflict admittedly would decline. While a decline in the perceived threat of nuclear weapons use may seem like a good thing, however, it is actually dangerous because it is that very perceived threat that gives leaders who may be contemplating the use of force the chance for second thoughts that can prevent great-power war. This is an important point. Opening the door to great-power conflict, even if ever so slightly, is obviously a step in the wrong direction.

Nor are great-power conflicts the only dangerous challenge that nuclear weapons deter. Biological, chemical, and even well-organized and targeted cyber-attacks can be as devastating as nuclear attacks. Some proponents may claim that the combination of a no-first-use policy and American conventional superiority plays to America’s strength, but recent history suggests that simply using our conventional forces rarely achieves our political objectives. It is also worth noting that the U.S. military is overstretched and on the verge of a readiness crisis. In the European theater, for example, North Atlantic Treaty Organization (NATO) forces are judged by many to be insufficient to counter  a Russian military advance into the Baltics. Most important, the point of deterrence is to prevent a war from happening, which is frequently preferable to becoming engaged in a war even if one wins at the end of the day.

### --- extra ev

#### **Eroding deterrence causes escalation of conflicts in every region to global war**

Dr. Bruno Tertrais 15, Master’s Degree in Public Law of the University of Paris, Doctorate in Political Science of the Institut d'études Politiques de Paris, Senior Research Fellow at the Fondation Pour La Recherche Stratégique (FRS), Member of the International Institute for Strategic Studies, Editorial Board of the Washington Quarterly, Associate Editor of Survival, Recipient of the Vauban Prize, Knight of the Legion of Honor, “How Relevant is Nuclear Deterrence Today?”, Nação e Defesa, p. 11-14

In Russia, China, India, Pakistan, North Korea or Israel, the relevance of nuclear deterrence is hardly questioned. However, in Western countries, nuclear deterrence has been the target of criticism on strategic, legal and moral grounds since 1945. In the past decade, the renewed debate on nuclear disarmament has been accompanied by an increase in such criticism. Efforts led by four US statesmen, or the more radical Global Zero movement, as well as various diplomatic initiatives, have been accompanied by a flurry of new, serious academic studies questioning the legitimacy of nuclear weapons. More than ever, nuclear deterrence is attacked by many, both on the Left and on the Right. To the traditional arguments related to the credibility of nuclear deterrence are now added two other factors. First, nuclear weapons, it is argued, have limited value vis-à-vis proliferation and terrorism, and such risks bolster the case for nuclear disarmament. Second, alternatives such as high-precision conventional means and missile defense are said to now be much more effective than they were in the past. This paper refutes these arguments on the grounds that nuclear deterrence has proven to be an effective war prevention instrument, that it is cost-effective, and that today’s challenges confirm its relevance.

Nuclear Weapons Have Been Effective War-Prevention Tools

It is by definition impossible to prove that deterrence has worked, and correlation is not causality. But History gives us solid arguments in support of the positive role played by nuclear weapons, especially since our “database” now covers nearly 70 years.

Firstly, no major power conflict has taken place in nearly 70 years. The role of nuclear deterrence to explain this historical anomaly has been highlighted by leading historians and authors such as John Lewis Gaddis, Kenneth Waltz, and Michael Quinlan.3 No comparable period of time has ever existed in the history of States. There were two dozen conflicts among major powers in the equivalent amount of time following the Treaties of Westphalia (1648), and several after the Vienna Congress (1815).4

Secondly, there has never been a direct military conflict between two nuclear States. Beyond this mere observation, two studies have shown that the possession of nuclear weapons by two countries significantly reduced the likelihood of war between them (Pasley, 2008; Rauchhaus, 2009). Events in Asia since 1949 provide an interesting test case. China and India fought a war in 1962, but have refrained from resorting to arms against each other ever since. There were three India-Pakistan wars (1962, 1965 and 1971) before both countries became nuclear; but since the late 1980s (when the two countries acquired a minimum nuclear capability), none of the two has launched any significant air or land operations against the other.

*Thirdly, no nuclear-armed country has ever been invaded*. This proposition too can be tested by the evolution of regional crises. Israel had been invaded in 1948, on the day of its independence. But in 1973, Arab States deliberately limited their operations to disputed territories (the Sinai and the Golan Heights).7 It is thus incorrect to take the example of the Yom Kippur war as a “proof” of the failure of nuclear deterrence. Likewise, India refrained from penetrating Pakistani territory at the occasion of the crises of 1990, 1999, 2002 and 2008, whereas it had done so in 1965 and 1971. Another example is sometimes mistakenly counted as a failure of nuclear deterrence: the Falklands War (1982). But this was a British Dependent Territory for which nothing indicated that it was covered by nuclear deterrence. Furthermore, it would be erroneous to take these two events as evidence that extended deterrence does not make sense, as some authors have done (“if nuclear weapons cannot protect part of the national territory, how could they protect a foreign country?”8). Extended deterrence is meant to cover interests that are much more important to the protector than nonessential territories; for instance, during the Cold war Germany was much more “vital” to the United States than, say, Puerto Rico.

*Fourthly, no country covered by a nuclear guarantee has ever been the target of a major State attack*. Here again evidence is hard to give, but can be found a contrario. The United States refrained from invading Cuba in 1962, for instance, but did not hesitate in invading Grenada, Panama or Iraq. The Soviet Union invaded Hungary, Czechoslovakia and Afghanistan, but not a single US ally. China has refrained from invading Taiwan, which benefits from a US defense commitment. North Korea invaded its southern neighbor in 1950 after Washington had excluded it from its “defensive perimeter”, but has refrained from doing so since Seoul has been covered with a nuclear guarantee. Neither South Vietnam nor Kuwait were under the US nuclear umbrella. Russia could afford to invade Georgia because its country was not a NATO member. A partial exception is the shelling of Yeongpyeong island (2011); but the limited character of the attack and its location (in a maritime area not recognized by Pyongyang as being part of South Korean territory) make it hard to count it as a major failure of extended deterrence.

Alternative Explanations Are Not Satisfying

Some have suggested alternative explanations which all rest, to some extent, on the idea that international society has undergone major transformations since 1945: the development of international institutions, the progress of democracy, the rise of global trade, etc., to which is often added the memories of the Second World War. Thus for authors such as John Mueller, nuclear weapons played a marginal – non-necessary – role in the preservation of peace.9 The Soviet Union, it is also argued, was a status quo power in Europe which would not have taken the risk of a major war on the continent.

But such explanations are not satisfying. The rise of international trade from 1870 onwards did not prevent the First World War: Norman Angell’s “Great Illusion” was a fallacy. The construction of a new global order based on the League of Nations did not prevent the Second.10 Kenneth Waltz reminds us that “in a conventional world even forceful and tragic lessons have proved to be exceedingly difficult for states to learn”.11 In the same vein, Elbridge Colby holds that such cultural argumentation “markedly overestimates the durability of historically contingent value systems while seriously downplaying the enduring centrality of competition, fear, uncertainty and power”.12 Major powers have continued to use military force in deadly conflicts, especially in the two decades after 1945: “war fatigue” is a limited and rather recent phenomenon. As for democratization, it is obviously a red herring: during the Cold war, the risk of major war was between pro-Western (not all of them democratic until at least the late 1970s) and totalitarian regimes.

No one knows how a “non-nuclear cold war” would have unfolded in Europe. However, without nuclear weapons, Washington might have hesitated to guarantee the security in Europe (“no nukes, no troops”), and might have returned to isolationism; and without US protection, the temptation for Moscow to grab territory in Western Europe would have been stronger. And as Michael Quinlan puts it, in order to claim that nuclear deterrence was key in the preservation of peace, one does not need to postulate a Soviet desire for expansionist aggression: it is enough to argue that “had armed conflict not been so manifestly intolerable the ebb and flow of friction might have managed with less caution, and a slide sooner or later into major war, on the pattern of 1914 or 1939, might have been less unlikely”.14

Alternative explanations might not even suffice to explain the absence of conflict among European countries: the integration process which began in 1957 and culminated with the creation of the European Union in 1991 might have been much more difficult without the US umbrella.15 Neither are they satisfying regarding regional powers. It is hard to believe that the political, economic and cultural factors mentioned above are enough to explain the absence of a major conventional war involving Israel, India or Pakistan since these countries have become nuclear powers.16

Deterrence has limited the scope and intensity of conflict among the major States. If crises in Europe, as well as wars in Asia and the Middle East, did not turn into global conflicts, it is probably due largely to nuclear weapons. The fear of nuclear war and the precautions taken by decisionmakers during the Cold war to reduce the risks of direct conflict have been made clear by a collective study that contradicts Mueller’s thesis (Gaddis, Gordon, May and Rosenberg, 1999).3

A former Russian official even writes:

I dare claim and am ready to prove that nuclear weapons were the greatest ‘civilizing tool’ for these elites. They cleansed their ranks of all radicals and ideologues, and they strengthened the pragmatists who saw their main goal in averting a nuclear war or the clashes that had the potential to escalate to a nuclear conflict. 18

One could go as far as saying that the international stability obtained thanks to nuclear deterrence (in its national and extended forms) has been a form of “global common good”. For all non-nuclear weapons States benefitted from it during the past 65-plus years – even though some of them suffered from the indirect conflicts made possible by the stability-instability paradox. Without it, for instance, it is dubious that Asia would have known the peace and stability that allowed for its massive transformation and development, leading to hundreds of millions of human beings being lifted out of poverty. Patrick Morgan adds that nuclear weapons may even have hastened the end of the Cold war, by giving confidence to Soviet leaders that the country’s survival would be assured even after the loss of the Eastern European *glacis*.19

#### Ongoing conflict in Korea, Taiwan, the Middle East, and Europe will escalate to great power nuclear war without deterrence

Peter Huessy 16, Director of Strategic Deterrent Studies at the Mitchell Institute for Aerospace Studies, President of GeoStrategic Analysis, Graduated from the Columbia University School of International Affairs and School of Law, Degrees in Anthropology, International Relations and National Security Policy from Beloit College, “The Case for a 21st Century Deterrent”, Gatestone Institute, 3-22, https://www.gatestoneinstitute.org/7628/modern-nuclear-deterrent

In light of recent geostrategic developments, some former U.S. defense experts are calling for the United States dramatically to curtail its nuclear deterrent.

These experts assume that the deterrent value of nuclear weapons is waning and that since the it spends far more on overall defense than do other nations, the U.S. can afford to cut back in this area.[2]

But are such recommendations unwise? Absolutely.

A former U.S. Chief of Naval Operations produced a chart some years ago showing annual deaths per capita prior to the nuclear age, in an era when only conventional deterrence existed. Surprisingly, after the atomic bombs were dropped on Hiroshima and Nagasaki, the worldwide per capita death toll from armed conflict during the next half-century dropped 80%, and during the next seventy years, by more than 90%.[3]

In the half-century before 1945, two conventional world wars were fought, which included the use of chemical weapons and the fire-bombing of cities. Add to that devastation the deaths from the Nazi Holocaust and the mass murders committed in the USSR by Stalin and his successors, and it is clear that hostile behavior by states was the norm even before the nuclear age.

Retired General Brent Scowcroft, National Security Advisor to two U.S. Presidents, once remarked that the two world wars were a testament to the fragility of traditional conventional deterrence.[4]

Since 1945, however, large-scale war between nuclear-armed powers has been avoided. That is not to say that there have been no conflicts between states. The fight between totalitarianism and freedom took the form of a cross-border war in Korea, subversion and guerilla warfare in Vietnam, and state-sponsored terrorism in Africa, Central America and the Middle East, to name just a few. The fight continues today, in the post-Cold War era, despite the "end of history" narrative that promised armed conflict would pretty much end.[5]

Potential major conflicts, however, still are prevented by the U.S. nuclear deterrent: on the Korean peninsula; between China and Taiwan; in the Middle East and in Eastern Europe.

Conflict continues, of course, in the form of Iranian and North Korean terrorist activity, Chinese aggression in the South China Sea, continued Russian subversion in Ukraine and elsewhere, and in various terrorist activities in Africa and the Middle East. Those conflicts have not been prevented even by conventional capabilities, let alone U.S. nuclear deterrent forces. Nevertheless, is the prudent response to jettison a significant portion of U.S. nuclear capability?

The new post-Cold War era still requires the prevention of any number of possible crises from escalating into armed conflict between any of the nine nuclear-armed nations. The era also requires stopping existing conflicts from becoming wholesale nuclear wars.

It is always important to avoid what Israeli missile defense expert Uzi Rubin calls "fortune cookie analysis" -- the claim that the need for nuclear deterrence is over because "it didn't stop 9-11" or today's conflicts.[6]

Terrorist attacks, such as 9-11, were also not prevented by non-nuclear capabilities such as the FBI, Coast Guard, Border Patrol, the military, or intelligence agencies. But the U.S. nuclear deterrent is not there just for today. Any future deterrent needs to be robust and flexible enough to anticipate technological surprise. There can also be sudden changes in regimes and regimes' intentions; these must also be taken into account.

In addition, emerging technological threats such as cyber-attacks, the advanced capabilities of long-range conventional strikes, and the threat of electromagnetic pulse (EMP) attacks are changing the pattern of deterrence among various countries, according to Andrew Krepinevich, president of the Center for Strategic and Budgetary Assessments (CSBA).[7] Even so, as he underscores the need for new deterrent capabilities, he does not minimize the need for a continued powerful nuclear deterrent.

It is not enough to claim that a much smaller, even minimalist, nuclear deterrent, will suffice for today. "Less" does not automatically mean "better." Nor is it enough simply to add up what other countries spend on defense, compare it to what the United States spends, and declare that the two sides need only be relatively equal in defense expenditure for deterrence to be effective.

Deterrence is not about guaranteeing to your adversaries that you will only spend what the adversary deems acceptable to enable a "fair fight." It is important to spend whatever is needed to ensure a credible, capable force. It would be reckless to adopt some arbitrary figure based on what others might spend, or unilaterally to accept sentimental notions about what is "fair."

Unfortunately, there have been a number of recent calls for the U.S. to reduce its nuclear arsenal unilaterally by 85% and to keep no more than 250 nuclear warheads. This low number would roughly equal the warheads fielded by Pakistan and India combined.

What is the basis for such a proposal? Apparently such advocates start with the assumption that a U.S. president will be deterred from taking military action if, in a conflict, upward of 250 enemy warheads were targeted in retaliation on American cities. This logic assumes that one's enemies think the same way as oneself, and consequently, that a small American arsenal of 250 nuclear warheads would suffice to deter would-be adversaries.

But do adversaries really think this way? Ironically, even the advocates of such a minimal nuclear deterrent do not appear to believe their own rhetorical assumptions. Most of the advocates of a minimal nuclear deterrent claim that 400 Minuteman silo-based missiles, spread out over tens of thousands of square miles in five U.S. western states, would be vulnerable to attack by the same enemies who are supposedly interested in attacking only cities. Why would Russia or China target U.S. missile silos and other military assets when presumably all they would need to do to maintain deterrence against the U.S. is hold a few dozen American cities for ransom?

If one is to believe the advocates of minimum deterrence, Russia has plans to attack 400 U.S. missile silos and nearly 50 associated launch control centers. This assault would require Russia to maintain at least 900 warheads, attacking each American ICBM with at least two warheads to ensure a high chance of destroying all of those targets.

But a Russia that had at least 900 warheads would not be balanced by the United States that had only 250.

Deterrence simply does not work the way advocates of minimum deterrent assert.

When a U.S. president orders military commanders to provide deterrence against the country's enemies, this strategy must be measured against what it takes to implement deterrence, and not against a nice round number of nuclear warheads that appears "reasonable."

Further, is a U.S. president comfortable with only the option of striking back at an adversary's cities? Would threatening to incinerate millions even be a moral or workable deterrent strategy? With 250 warheads in total, and perhaps just half of them available for retaliation, the only targets a U.S. president could sufficiently threaten would be an adversary's cities, but not an adversary's military assets -- not to mention if other countries were to pile on, such as Russia, China, North Korea and Iran.

The minimalists argue that destroying a nation's cities would certainly deter any sane national leader. Yet, as Keith Payne, president of the National Institute of Public Policy, explains, many nations have not been deterred from aggression, even by the prospect of losing millions of their own citizens.[8] In efforts to achieve their political objectives, the Soviet Union, Iran, Cambodia, China and North Korea, to mention the most obvious, have slaughtered tens of millions of their own people. In communist nations alone, the number exceeds 95 million.[9] Nazi Germany and Imperial Japan killed and maimed millions of their own people by going to war and continuing the conflict even when their defeat was clearly imminent.

Would the U.S. seek to deter ISIS and Hezbollah this way? Or Iran or North Korea, for that matter?

The weapons or military assets of one's adversaries -- the weapons one would need to hold at risk or target -- are precisely the instruments of state power on which these enemies rely for their status as global or regional powers and prestige. Holding such assets at risk gives the U.S. president the ultimate "stick" with which to threaten to take away the adversary's power: his military assets.

Today, non-state terrorist organizations also have such assets, as seen from fighting ISIS, Al Qaeda, Hamas Hezbollah, the FMLN and FARC.

Thus, holding at risk, or being able to destroy a significant number of, say, Russian submarines, missile silos, bomber bases, and other instruments of military power, thereby leaving Russia unable to act as a major power, is not an attempt to "go first" in a crisis or "get the jump" on one's enemies. Instead, it merely places at risk all the instruments of state power -- consisting of hundreds of militarily critical targets -- upon which, for instance, a Russian or Chinese head of state relies for world power status.

This plan requires a nuclear deterrent capable of striking back at an enemy with sufficient surviving nuclear warheads, even after absorbing an enemy's initial strike against one's own military assets.

A deterrent strategy such as the U.S. has today leaves nuclear-armed adversaries with only one sound choice in a crisis. Either they risk "Armageddon" and use all their nuclear weapons early in a crisis, to avoid seeing any of their military assets destroyed by the U.S. in a subsequent retaliatory strike; or they stand down, not launching their nuclear weaponry, and instead seek to end any crisis through diplomatically. This is the essence of deterrence. It is one that the late American diplomat Paul Nitze described as the "Not Today, Comrade" option.[10] Today it would be, "Not Today, Jihadi."

Such a deterrent strategy, as advocated here and reflected in America's current nuclear modernization plans, stands the test of logic. If an adversary used all its nuclear forces against the U.S. in a first strike, such an attack would invite a massive retaliatory strike from the U.S. that would leave an attacker completely destroyed.

But that, of course, requires a survivable U.S. deterrent force to begin with; not one subject to being eliminated by an enemy's first strike because the U.S. deterrent was so small that it was no deterrent at all.

According to the Obama administration, to guarantee maximum flexibility in a crisis so that a president can be confident he has a survivable deterrent, a robust deployment of 1550 warheads is required, on a mixture of 12 submarines, 400 ICBMs and 40-60 bombers. Fortunately, this is the number the U.S. can field under the 2010 New Start Treaty with Russia.

Having a nuclear deterrent strategically dispersed among over 500 nuclear assets -- submarines, land-based missiles, and bombers -- means that any enemy attempt to destroy the U.S. nuclear arsenal before the U.S. could use it, would require an unambiguous attack. If an adversary, such as Russia, were to deploy its entire arsenal against the United States, the attack would involve over fifteen hundred warheads.

The U.S. would know from where most of the warheads would be coming: ICBMs flying over the North Pole could easily be seen by U.S. early-warning satellites.

U.S. allies also would see preparations, such as weapons platforms moved, for such a strike. Enemy forces would have to be moved from a day-to-day alert status to heightened alert if there were plans to destroy U.S. nuclear forces in their entirety. That is why the U.S. has, and is planning to keep, more than 500 nuclear assets, including submarines, bombers, and silo-based missiles capable of surviving even the most massive strike.

Deploying only 250 warheads, however -- all of them on submarines, as many minimal deterrent advocates have proposed -- would make such a secure retaliatory force impossible to maintain. It would also so minimize the size of the U.S. deterrent forces -- to fewer than 10 targets -- as possibly to invite an attack.

By contrast, a flexible U.S. nuclear deterrent policy, based on keeping a large deployment of day-to-day survivable forces -- numbering over 500 missiles, submarines and bombers -- leaves the president options. There is no need to act rashly. An enemy could then be informed that any attack, no matter how large, would invite such a massive retaliation that no benefit whatsoever would accrue to the attacker. Such a force also would allow the president, during a crisis, to make the U.S. deterrent even more survivable over time, by putting more U.S. submarines to sea and placing U.S. bombers on alert or in the air.

Such a new nuclear force of submarines, bombers and ICBMs, which the U.S. is now beginning to produce (albeit after much delay), would allow the U.S. to threaten the entire range of an adversary's military assets, and not be limited only to striking back at an enemy's cities. These twin capabilities -- having a survivable force day-to-day and an even more highly survivable force over time -- would avoid putting all one's nuclear eggs in one minimalist leaky basket.

The U.S. nuclear "Triad" consists of nuclear warheads mounted on platforms based at sea, in the air and on land.

The strategy is called "crisis stability": giving no nuclear power the incentive to strike first, and providing the world with the stability it needs to avoid Armageddon.

For 70 years, this strategy has kept the nuclear peace. This strategy even allowed the U.S. and the USSR, (subsequently Russia) carefully and logically to reduce the number of strategic, long-range nuclear weapons by nearly 90%, while maintaining strategic stability.

In short, nuclear deterrence still matters. If the U.S. deterrent is even more survivable, flexible, and robust, while maintained at lower levels than during the Cold War, such modernization as the U.S. is now planning provides America's leaders with the leverage in a crisis to keep a major armed conflict from breaking out. And it keeps the United States and its allies safe.

### 2ac – leaks – prolif impact

#### Leaks degrade quick nonprolif sanctions

James B. Bruce 16, senior political scientist at the RAND Corporation, retired from the CIA in 2005 as a senior executive officer after nearly 24 years, “Keeping U.S. National Security Secrets: Why Is This So Hard?,” Journal of U.S. Intelligence Studies, Vol. 22, No. 2, Fall 2016, https://www.afio.com/publications/BRUCE\_James\_Keeping\_US\_National\_Security\_Secrets\_from\_AFIO\_INTEL\_FALL2016\_Vol22\_no2\_FINAL.pdf

• Imagery: Surprise Indian Nuclear Tests. Both authorized and unauthorized disclosures about intelligence techniques can be damaging. In this case, classified imagery had been used to support a diplomatic démarche asking India to stand down from its plans to test nuclear weapons in 1995, and was also the topic of press coverage based on leaked intelligence. The 1995 intelligence and diplomatic success backfired in May 1998 when the Indians employed countermeasures learned from these earlier disclosures. They prevented satellite imagery from detecting the signatures of their nuclear test preparations, which caught the United States by surprise.25

• Imagery—Missile Tests in Pakistan. In the mid1990s, dozens of press articles covered whether Chinese M-11 missiles had been covertly transferred to Pakistan. If such missiles had been acquired, Pakistan could be found in violation of the Missile Technology Control Regime (MTCR) to which it was a signatory. Under the National Defense Authorization Act, US law mandated sanctions against proven MTCR violators. Press reports claimed that US intelligence had found missiles in Pakistan but “spy satellites” were unable to “confirm” such missiles. Readers of both the Washington Times and the Washington Post learned that intelligence had failed to convince the Department of State of the missiles’ presence in Pakistan. The message from the press coverage was, in effect, that any nation could avert US sanctions if they neutralized intelligence by shielding missiles from satellite observation. These articles not only suggested to Pakistan and China that some key denial measures were succeeding, but also spelled out specific countermeasures that other potential violators could take to prevent US intelligence from satisfying the standards needed for sanctions under the MTCR.

• Technical Recovery Operation: The Glomar Explorer. The Los Angeles Times published a story on February 7, 1975 that the CIA had mounted an operation to recover a sunken Soviet submarine, its nuclear weapons and cryptographic equipment, from three miles deep on the Pacific Ocean f loor. The New York Times ran its own version of the story the next day. Jack Anderson further publicized the secret operation on national television on March 18. In his memoir, former DCI William Colby wrote: “There was not a chance that we could send the Glomar [Explorer] out again on an intelligence project without risking the lives of our crew and inciting a major international incident…. The Glomar project stopped because it was exposed.”26

Unlike spies, most of whom are eventually caught; leakers of classified information are infrequently identified. The dramatic cases of Snowden (who identified himself) and Manning are notable exceptions. Most leakers remain hidden, and only a handful have ever been prosecuted. The record is dismal. During the four-year period 2009-2013, intelligence agencies filed 153 crimes reports about classified leaks to the press with the Department of Justice. But only 24 were investigated; only half of these were identified, and not a single indictment was issued.27 The scorecard reads: Leakers 153; Intelligence Community 0. In general, our legal system is ill equipped to deal with leakers.28 And the culture that strongly supports First Amendment press freedoms often seems conflicted about whether leakers are really law-breakers and is skeptical that press leaks of intelligence actually do much damage. Perhaps the greatest damage to national security from press leaks, as with espionage, is opportunity costs: The intelligence that will never be collected or used for the nation’s decision advantage because of the damage to or even the loss of classified collection sources and methods compromised by press leaks.

Conclusions

Importantly, American spies and government employees who leak classified information to the press have recently become a national priority for a concerted program to counter the threats they pose to national security. On November 21, 2012, the White House issued a Presidential Memorandum establishing a new Insider Threat Program. It aims to deter, detect, and mitigate such actions by government employees as espionage and unauthorized disclosures of classified information, including “vast amounts of classified data available on interconnected United States Government computer networks and systems.”29 While a notably important initiative, it falls dramatically short of the comprehensive steps really needed.

Until the United States makes game-changing improvements in the way it protects its sensitive and classified information, it cannot expect a fully performing intelligence community, military, or diplomatic corps. Poor performance in keeping secrets correlates directly with diminished capabilities of the major instruments of national power—and thus, a diminution of American power. The relationship is causal. A comprehensive, zero-based, review of how the nation keeps its secrets – and how to get better at it – is long overdue.

#### Nuclear war---sanctions informed by timely notification through intel are key.

Henry D. Sokolski 18, executive director of the Nonproliferation Policy Education Center, served in the Senate as a nuclear and military legislative aide, in the Pentagon as Deputy for Nonproliferation Policy, and as a full-time consultant on proliferation issues in the Secretary of Defense’s Office of Net Assessment, August 2018, “Underestimated: Our Not So Peaceful Nuclear Future,” Strategic Studies Institute and U.S. Army War College Press, https://apps.dtic.mil/dtic/tr/fulltext/u2/1070596.pdf

WHAT MAY GO WRONG

As already noted, a fashionable rejoinder to such broodings is to insist that all of these states will be mutually deterred. Any intelligent state, it is argued, should know that using nuclear weapons is militarily self-defeating and that these weapons’ only legitimate mission is to deter military threats. According to this view, fretting about nuclear use and proliferation is mistaken or overwrought.18

But is it? Can states deter military threats with nuclear weapons if their actual use is universally viewed as being self-defeating? Which nuclear-armed states, if any, actually believe they are militarily useless? As noted earlier, the Russians and Pakistanis clearly do not. Just the opposite, they have gone out of their way to develop battlefield nuclear weapons and plan to use them first to deter and defeat opposing advanced conventional forces. As for the United States, France, and the United Kingdom, all have studiously refused to renounce first use. Israel, meanwhile, insists that, while it will not be first to introduce nuclear weapons in the Middle East, it will not be second. This leaves North Korea—a wild card—and India and China, whose declared no first use policies are either unclear or under reconsideration.19

However, are the days of highly destructive wars— nuclear or nonnuclear—not behind us? Certainly, with the events surrounding September 11, 2001 (9/11), this view has gained increasing support from a number of U.S. and allied military analysts and pundits.20 Reflecting this outlook, the United States and its European allies have turned several Cold War nuclear “survival” bunkers into private real estate offerings or historical tourist sites.21

The problem is that at least two states have not done so. U.S. intelligence agencies have determined that Russia invested over US$6 billion to expand a 400-square-mile underground nuclear complex at Yamantau, a full decade after the fall of the Berlin Wall. This complex is burrowed deep enough to withstand a nuclear attack, and is large enough and provisioned sufficiently to house 60,000 people for months. U.S. intelligence officials believe it is one of a system of as many as 200 Russian nuclear bunkers (see figure 3-7).22

[[FIGURE 3.7 OMITTED]]

China’s nuclear passive defense is no less impressive. In 2009, China’s strategic missile command, the 2nd Artillery Brigade, revealed that it had completed 3,000 miles of dispersed, deep, underground tunnels for the deployment of its nuclear-capable cruise and ballistic missile forces. China spent enormous sums to build this system and is still expanding the complex, known as the Underground Great Wall. The system is said to be designed and provisioned to house thousands of military staff during a nuclear exchange (see figure 3-8).24

[[FIGURE 3.8 OMITTED]]

GOING BALLISTIC

All of this suggests that several nuclear-armed states still believe they may have to endure or engage in nuclear exchanges. Fortifying this suspicion is the increasing capacity states have to deliver both nuclear and nonnuclear payloads quickly against one another. Back in 1962, only the United States and Russia had nuclear-capable missile systems—i.e., cruise or ballistic missile systems capable of delivering a first-generation nuclear warhead (weighing 500 kilograms) 300 kilometers or farther.26 Now, no fewer than 24 countries have perfected or acquired such systems, and nine can launch a satellite into orbit—i.e., have mastered all that is needed to deploy an intercontinental ballistic missile (ICBM). In addition, the United States, China, Iran, South Korea, Israel, and key NATO states are all working on precision conventional missiles capable of knocking out large military bases and major naval surface combatants that, only a few decades ago, were difficult or impossible to destroy without using nuclear weapons.27 More nuclear-capable missile states are likely to emerge (see figure 3-9).

[[FIGURE 3.9 OMITTED]]

The strategic uncertainties these missile trends can generate are difficult to exaggerate. First, the proliferation of long-range missiles allows many more countries to play in any given regional dispute. One way to measure a state’s diplomatic potential to influence others militarily is simply to map out the range arcs of its deployed missiles. Today, increasingly, these arcs and the diplomatic-political “power” shadows they cast overlap. Consider Iran: its missiles now target Israel, Egypt, the United Arab Emirates (UAE), Russia, Pakistan, France, Saudi Arabia, China, and the United Kingdom.

This is a very different world than that of a half-century ago. In 1962, when alliance loyalties within the Communist and Free World Blocs were at their height, only Russia and America had missiles aimed at each other. Now, there is no Communist Bloc, what remains of the Free World alliance system (e.g., NATO; Australia, New Zealand, the United States Security Treaty [ANZUS]; etc.) is relatively weak, and nuclear-capable missiles in hotspots like the Persian Gulf could be fired from any number of states—both near and far. For nuclear-armed states, this situation places a premium on protecting their nuclear weapons-related systems against surprise attack.29 It also raises first-order questions about nuclear escalation, which brings us to the second reason more missiles in more hands is a major worry: these missiles also can act as conventional catalysts for nuclear wars.

Increasingly, with precision guidance and advanced munitions technologies, it is possible to destroy targets that once required nuclear weapons—e.g., large air strips and air fields, command centers, naval ports, and even large, moving surface ships—with a handful of precise, conventionally-armed missiles instead. This has raised the prospect of states being able to knock out a significant portion of an opponent’s key military forces without having to use nuclear weapons.30

The good news is that this should make the initial use of nuclear weapons less likely. The bad news is that with enough precision guidance capabilities, a state might be tempted to initiate combat in the expectation of winning without ever having to go nuclear and end up miscalculating badly.

WAR SCENARIOS

A real-world case, much discussed by Pakistani security analysts, is the mid-term prospect of an Indian conventional missile decapitation of Pakistani nuclear strategic command and control centers. The Indians, in this scenario, would use precise, offensive, longrange missiles to destroy these centers. Then, New Delhi could deter any remaining Pakistani retaliatory nuclear strike with India’s much larger nuclear forces and with Indian nonnuclear missile defenses. Finally, India could prevail against Pakistani armor and artillery, with superior Indian military conventional forces.

To hedge against this prospect, Pakistan ramped up its nuclear arms production and is deploying its nuclear weapons in ways designed to complicate Indian efforts to destroy them (e.g., delegation of launch authority under certain circumstances, forward deployment, dispersal, mobility, etc.). All of these methods only increase the prospects for nuclear use and have goaded India to develop new nuclear options of its own.

Beyond this, advanced conventional weapons might ignite a nuclear conflict directly. Again, consider India and Pakistan. After being targeted by so many Pakistani-backed terrorist attacks, the Indian Government has developed a conventional counterstrategy known as “Cold Start.” Under this approach, India would respond to Pakistan-backed terrorist attacks by quickly seizing a limited amount of Pakistani territory with quick alert, forward deployed Indian forces (i.e., that could launch from what Indian military planners call a “cold start”). The idea here would be to threaten to take a limited amount of territory that Pakistan holds dear, but not enough to prompt Pakistan to attack India with its nuclear weapons.

Unfortunately, India’s adoption of its Cold Start plan has had nearly the reverse effect. Shortly after New Delhi broached this strategy, Pakistani military officials announced their intent to use tactical nuclear weapons against any invading Indian force and deployed new, short-range nuclear-capable tactical missiles along the Pakistani-Indian border precisely for this purpose. India has responded by deploying tactical missiles of its own. It is unclear just how serious either India or Pakistan are about carrying out these war plans, but this uncertainty is itself a worry.31

Of course, relying on nuclear weapons to counter conventional threats is not unique to Pakistan. Moscow, faced with advanced Chinese and NATO conventional forces, has also chosen to increase its reliance on tactical nuclear weapons. For Russia, employing these weapons is far less stressful economically than trying to field advanced conventional forces and is militarily pragmatic, given Russia’s shrinking cohort of eligible military servicemen. China, in response, may be toying with deploying additional tactical nuclear systems of its own.32

CHINA AND THE NUCLEAR RIVALRIES AHEAD

All of these trends are challenging. They also suggest what the next strategic arms competition might look like. First, if the United States and Russia maintain or reduce their current level of nuclear weapons deployments, it is possible that at least one other nuclear weapons state may be tempted to close the gap. Of course, in the short- and even mid-term, Pakistan, Israel, and India could not hope to catch up. For these states, getting ahead of the two superpowers would take great effort and at least one to three decades of continuous, flat-out military nuclear production. It is quite clear, moreover, that none of these states have set out to meet or beat the United States or Russia as a national goal.

China, however, is a different matter. It clearly sees the United States as a key military competitor in the Western Pacific and in Northeast Asia. China also has had border disputes with India and historically has been at odds with Russia as well. It is not surprising, then, that China has actively been modernizing its nuclear-capable missiles to target key U.S. and Indian military air and sea bases with advanced conventional missiles, and is developing missiles that are even more advanced to threaten U.S. carrier task forces on the open seas. In support of such operations, China is also modernizing its military space assets, which include military communications, command, surveillance, and imagery satellites and an emerging antisatellite capability.33

Then there is China’s nuclear arsenal. For nearly 30 years, most respected Western security analysts have estimated the number of deployed Chinese nuclear warheads to be between 190 and 300.34 Yet, by any account, China has produced enough weapons-usable plutonium and uranium to make up to four times this number of weapons. Why, then, have Chinese nuclear deployments been judged to be so low?

First, China has experienced first-hand what might happen if its nuclear weapons fell into the wrong hands. During the Cultural Revolution, one of its nuclear weapons laboratories test fired a nuclear-armed medium-range missile over heavily populated regions of China and exploded the device. Not long after, Mao Zedong ordered a major consolidation of China’s nuclear warheads and had them placed under much tighter centralized control. Arguably, the fewer nuclear warheads China has, the easier it is for its officials to maintain control over them.35

Second, and possibly related, is China’s declared nuclear weapons strategy. In all of its official military white papers since 2006 and in other forums, Chinese officials insist that Beijing would never be first to use nuclear weapons and would never use them against any nonnuclear weapons state. China also supports a doctrine that calls for a nuclear retaliatory response that is no more than what is “minimally” required for its defense. Most Western Chinese security experts have interpreted these statements to mean that Beijing is interested in holding only a handful of opponents’ cities at risk. This, in turn, has encouraged Western officials to settle uncertainties regarding Chinese nuclear warhead numbers toward the low end.36

What China’s actual nuclear use policies might be, though, is open to debate. As one analyst quipped, with America’s first use of nuclear weapons against Japan in 1945, it is literally impossible for any country other than the United States to be first in using these weapons. More important, Chinese officials have emphasized that Taiwan is not an independent state and that under certain circumstances, it may be necessary for China to use nuclear weapons against this island “province.” In addition, there are the notso-veiled nuclear threats that senior Chinese generals have made against the United States if it should use conventional weapons against China in response to a Chinese attack against Taiwan (including the observation that the United States would not be willing to risk Los Angeles to save Taipei).37

Finally, as China deploys more land-mobile and submarine-based nuclear missile systems, there will be increased technical and bureaucratic pressures to delegate more launch authority to each of China’s military services. China’s ballistic missile submarines already have complete nuclear systems under the command of their respective submarine captains. As China deploys ever more advanced road-mobile nuclear missiles, their commanders may want to have similar authority. Historically, in the United States and Russia, such delegation of launch authority came with increased nuclear weapons requirements.38

The second cause for conservatism in assessing China’s arsenal is the extent to which estimates of the number of Chinese warheads have been tied to the observed number of Chinese nuclear weapons missile launchers. So far, the number of these launchers that have been seen has been relatively low. Moreover, few, if any, missile reloads are assumed for each of these missile launchers and it is presumed only a handful of China’s missiles have multiple warheads. The numbers of battlefield nuclear weapons, such as nuclear artillery, are also presumed to be low or nonexistent.

All of this may be right, but there are reasons to wonder. The Chinese, after all, claim that they have built 3,000 miles of tunnels to hide China’s nuclear-capable missile forces and related warheads and that China continues to build such tunnels. Employing missile reloads for mobile missile systems has been standard practice for Russia and the United States. It would be odd if it were not also a Chinese practice, particularly given China’s growing number of land-mobile solid-fueled rocket and cruise missile systems. With China’s recent development of the DF-41, a massive, mobile, nuclear-armed ICBM, and its deployment of multiple independently targetable re-entry vehicles (MIRVs) on its silo-based DF-5s, U.S. authorities believe China is deploying a new generation of MIRV missiles.39 As already noted, several experts believe China may be considering battlefield artillery for the delivery of tactical nuclear shells.

Precisely how large is China’s nuclear arsenal, then? The answer is unclear. The Chinese say they are increasing the size of their nuclear weapons arsenal “appropriately.”40 They have not yet said by how much. General Viktor Yesin, the former chief of Russia’s strategic rocket forces, told U.S. security experts in 2012 that China may have more than 900 deployed nuclear weapons and another 900 nuclear weapons stored in reserve.41 This estimate, which is roughly seven times greater than most analysts believe Beijing possesses, would give China roughly as many warheads as the United States currently has deployed.42 Putting aside how accurate this Russian projection might be, the first problem it and other larger estimates present is how sound long-term U.S. and Russian strategic plans might be. It hardly is in Washington’s or Moscow’s interest to let Beijing believe it could threaten Taiwanese, Japanese, American, Indian, or Russian targets conventionally because China’s nuclear forces were so large Beijing could assume they would deter any of these states from ever responding militarily (see figure 3-10).

[[FIGURE 3.10 OMITTED]]

Yet another question that a much larger Chinese nuclear strategic force would raise is how it might affect future U.S.-Russian strategic arms negotiations. As China has increased its deployments of highly precise, nuclear-capable missile systems, Moscow has chaffed at the missile limits that the Intermediate-Range Nuclear Forces (INF) Treaty imposes on its fielding similar systems. Since the conclusion of New START in 2011, Moscow has balked at making any further cuts unless China is included in the negotiations. Shortly after several U.S. security analysts and Members of Congress spotlighted Russian moves to break out of the INF Treaty,44 the State Department announced that Russia, in fact, had violated the treaty.45 American hawks, meanwhile, have warned against the United States making further nuclear cuts lest other states, like China, quickly ramp up their force levels to meet or exceed ours. Yet, U.S. President Donald Trump has voiced a desire to do so.46 All of this suggests the imperative for Washington and Moscow to factor China into their arms control and strategic modernization calculations. The question is how.

OTHER INTERESTED PARTIES

Unfortunately, getting a sound answer to this question is not possible without first considering the security concerns of states other than the United States, Russia, and China. Japan, for one, is an interested party. It already has roughly 2,000 weapons’ worth of separated plutonium on its soil. This plutonium was supposed to fuel Japan’s light water and fast reactors, a fleet that, before the accident at Fukushima, consisted of 54 reactors. After the accident, Japan shut down all of these plants, decided to reduce its reliance on nuclear power as much as possible, and is projected in the mid-term to bring no more than one-third of its light water reactor fleet back online.47 Meanwhile, Japan’s fast reactor program has been effectively frozen since the 1990s due to a series of accidents. Japan, the United States, and France plan on cooperating on a renewed effort, but it is unlikely that a new fast reactor will be operating in Japan for decades.48

A related and immediate operational question is whether Japan will bring a US$20-billion-plus commercial nuclear spent-fuel reprocessing plant capable of producing roughly 1,500 bombs’ worth of plutonium a year at Rokkasho online sometime in the spring of 2021. This plutonium recycling effort has been controversial. The original decision to proceed with it was made by former Prime Minister Yasuhiro Nakasone and can be tied to Japanese considerations of developing a plutonium nuclear weapons option. Although this plant is not necessary for the management of Japan’s spent fuel, the forward costs of operating it could run as high as US$100 billion. It is expected to produce 8 tons of weapons-usable plutonium annually—enough to produce nearly as many first-generation nuclear weapons as is contained in America’s entire deployed nuclear force (see figure 3-11).49

[[FIGURE 3.11 OMITTED]]

In light of the questionable technical and economic benefits of operating Rokkasho, it would be difficult for Tokyo to justify proceeding with this plant’s operation unless it wanted to develop an option to build a large nuclear weapons arsenal.51 Given Japan currently retains nearly 11 tons of mostly reactor-grade plutonium on its soil, enough to make roughly 2,000 first-generation nuclear warheads, there is no immediate need to bring Rokkasho online to assure a military nuclear option.

However, Japan says it is committed to eliminating this surplus plutonium stockpile and recently surrendered roughly 800 kilograms of weapons-grade plutonium and uranium to the United States in pursuance of this stated goal.52 In this context, keeping Rokkasho on the ready could be seen as a national security insurance policy. Some leading Japanese figures clearly see it in this light,53 and technically, there is little question that the plutonium could be used to make effective weapons.54 In this regard, even under a much less nationalistic, pro-nuclear government than the one now in office, Japan’s National Diet in the fall of 2012 felt compelled to clarify in law that the purpose of the country’s atomic energy program included supporting Japan’s “national security.”55 Many nuclear observers outside of Japan saw this as a not-so-veiled reference to Japan’s “civilian” plutonium-fuel cycle program.

Certainly, South Korean and Chinese officials and commentators spotlighted this prospect with concern.56 Their apprehensions, then, raise the questions: What might happen if Japan ever decided to open Rokkasho? How could this avoid stoking South Korean ambitions to make their own nuclear fuels? What of China’s longterm efforts to modernize its own nuclear weapons systems and its “peaceful” scheme of building a copy of Rokkasho itself? Would starting up Rokkasho not catalyze these efforts? What if Japan’s startup of Rokkasho came after some Chinese or North Korean military provocation? Might this not trigger an additional round of Chinese, North Korean, and South Korean military and nuclear hedging actions?57

Yet another “peaceful” East Asian nuclear activity that bears watching is the substantial plans both Japan and China have to enrich uranium. Both countries justify these efforts as being necessary to fuel their light water reactor fleets. There are several difficulties with this argument, though. First, both countries already have access to foreign uranium enrichment services that are more than sufficient to supply current demand. Second, any effort to become commercially self-sufficient in enriching uranium in the name of “energy independence” is questionable for Japan and China, given their lack of economic, domestic sources of highgrade uranium ore.

Even assuming China could stop importing enrichment services, as it now does from URENCO of Europe and Minatom/Tenex of Russia, then it still would want to import much of its uranium ore from overseas. Of course, operating a commercial enrichment capacity could afford a bargaining advantage to secure cheaper foreign enrichment service contracts. In China’s case (and Japan’s and South Korea’s cases as well), such advantage can be had at enrichment capacities far below those they have or want to acquire. Again, both uranium ore and enrichment services are readily available globally at reasonable prices and are projected to remain so. Uranium yellowcake spot prices are currently at historic lows. As for enrichment services, the world’s current surplus of enrichment capacity is projected to persist at least through 2035.58 In short, there is no lack of enrichment services internationally and, given China’s access to Russian and European enrichers, there is little or no immediate economic imperative for building more.

China, however, sees things differently. It currently has enough capacity to fuel a dozen large reactors and is building more than enough centrifuges to fuel 58 gigawatts of nuclear capacity, optimistically projected to be online by 2020.59 Some of this projected capacity may be set aside for possible reactor exports beyond those China is making to Pakistan. Yet, again given the foreign enrichment services glut, none of this enrichment expansion makes economic sense. What is all too clear, however, is just how much of a military option this enrichment capacity affords. By 2020, China’s planned enrichment capacity could fuel all of its planned civilian reactors and still produce additional material sufficient for more than 1,500 nuclear weapons a year.60

Japan’s enrichment plans differ only in scale. Like China, it too lacks economic, domestic sources of highgrade uranium ore. As for Tokyo’s current enrichment capacity, it can fuel about eight reactors a year. If Japan used all of this enrichment capacity for military purposes, it could make roughly 4,500 kilograms of weapons-grade uranium annually—enough to make at least 200 first-generation nuclear weapons.61 Japan plans to upgrade its uranium enrichment centrifuges. The question, in light of the global surplus of commercial uranium enrichment capacity, though, is why (see figure 3-12).

[[FIGURE 3.12 OMITTED]]

As noted, China or South Korea agree with none of these Japanese nuclear fuel-making activities and plans. Seoul, in a not so well-disguised security hedge, began to press Washington in 2009 for permission to separate “peaceful” plutonium from U.S.-origin spent fuel and to enrich U.S.-origin uranium in South Korea.

These requests coincided with several other South Korean security-related demands. The first came after North Korea’s sinking of the Cheonan and the bombardment of Yeonpyeong Island. South Korean Parliamentarians asked the United States to redeploy U.S. tactical nuclear weapons on South Korean soil. Washington refused.63 Then Seoul pushed Washington to extend the range of its nuclear-capable missiles from 300 to 800 kilometers, and be practically freed from range limits on its cruise missile and space satellite launchers. Washington relented.64 As for South Korea’s nuclear demands, Seoul is likely to continue to press its case.65

The question is what is next? Will Japan start Rokkasho as planned in 2021? What commercial nuclear fuel making activities, if any, might Washington allow South Korea and China to engage in?66 Will North Korea or China continue to engage in provocations that will increase Japanese or South Korean demands for more strategic military independence from their American security alliance partner?

The two popular rejoinders to these questions are that there is no reason to worry. Most experts insist that neither Japan nor South Korea would ever acquire nuclear weapons. The reasons, they argue, are simple. It would not only undermine the nuclear nonproliferation regime that they have sworn to uphold and strengthen, but it would also risk their continued security ties with their most important ally, the United States.

Perhaps; but when South Korea first doubted its American security guarantees in the 1970s, it tried to get nuclear weapons.67 Those doubts continue today as North Korea builds up its nuclear and nonnuclear forces against the South.68 On May 29, 2014, South Korea’s president noted that, if North Korea tested another nuclear weapon, it would be difficult “to prevent a nuclear domino from occurring in this area.” This would be a clear warning to not only North Korea, but also the United States and China, that, if they fail to prevent Pyongyang from further perfecting its nuclear force, Japan and South Korea might well acquire nuclear weapons of their own.69 After Pyongyang conducted its fourth nuclear test on January 6, 2016, South Korean and Japanese politicians commented on the legality and desirability of developing nuclear weapons options.70 They repeated these points when Pyongyang tested its fifth device later in 2016.71

Yet another optimistic view argues that it may actually be in Washington’s interest to let Japan and South Korea go nuclear. Letting them arm might actually tighten U.S. relations with these key allies, while reducing what the United States would otherwise have to spend for their protection. Implicit to this argument is the hope that neither Seoul nor Tokyo would feel compelled to acquire many weapons—i.e., that like the United Kingdom, they would eagerly integrate their modest nuclear forces with that of America’s larger force, share their target lists with Washington, and that Washington would do likewise with them (as Washington already has with London).72

Again, this is plausible. However, it is worth noting that Japan and South Korea are not the United Kingdom. Early on, the United Kingdom understood its nuclear weapons efforts would ultimately be subordinate to and in the service of maintaining its “special relationship” with Washington (and scaled down its nuclear efforts accordingly). With the Japanese and South Koreans, though, their nuclear efforts would unavoidably be seen as a vote of no confidence in Washington’s nuclear security guarantees. As such, these efforts would have to deal with demands by nationalists eager to build a truly independent nuclear force of much more ambitious dimensions.73 More important (and more likely), even if Japanese and South Korean officials wanted to keep their forces subordinate to those of the United States, they might still be driven to acquire larger nuclear forces of their own to deal with the likely military reactions of China, North Korea, and other nuclear states.74

Consider the action-reaction dynamic that Seoul or Tokyo going nuclear might set into motion with Beijing and Pyongyang. Presumably, in all cases (China included), each state would try to protect its strategic forces against possible attacks by building more passive defenses (hardening, mobilizing, tunneling, etc.). They also would focus on building up their offensive forces (both nuclear and nonnuclear) so they might eliminate as much of each other’s strategic forces at sea and on land as soon as any war began (this to limit the damage they would otherwise suffer). Finally, they would increase the number of nuclear weapons assets, missile portals, and other strategic aim points to prevent any of their adversaries from thinking they could “knock out” their retaliatory forces. This, roughly, is what unfolded during the Cold War rivalry between Washington and the Soviet Union. As was the case for Russia and the United States then, maintaining one’s relative nuclear position could easily drive up East Asian nuclear weapons requirements well beyond scores or even hundreds of weapons.75

Potentially catalyzing this rivalry further are the actions China’s immediate nuclear neighbors might take. As has already been noted, the Russians are unlikely to reduce their nuclear weapons deployments if the Chinese increase theirs. As for India, it already has roughly 100 nuclear weapons and many hundreds of bombs’ worth of separated reactor-grade plutonium it claims it can fashion into nuclear weapons. It is hedging its nuclear bets even further with plans to build six unsafeguarded plutonium-producing breeder reactors by 2030 and an enrichment plant that may double its production of weapons-grade uranium.76 Late in 2011, India announced it was working with Russia to develop a terminally guided ICBM in response to Chinese medium-range ballistic missile deployments near India’s borders.77

New Delhi has also pushed the development of a nuclear submarine force, submarine-launched ballistic missiles (SLBM), missile defenses, long-range cruise missiles, and improved strategic command and control and intelligence systems. India is not yet competing with China weapon-for-weapon. However, if China were to increase its nuclear weapons deployments significantly, Indian leaders might argue that they had no other choice but to increase their own nuclear holdings.

This then brings us back to Pakistan. It has done all it can to keep up with India militarily. Since Islamabad is already producing as much plutonium and highly enriched uranium as it can, it would likely seek further technical assistance from China and financial help from its close ally, Saudi Arabia. Islamabad may do this to hedge against India, whether China or India build their nuclear arms up or not. There is also good reason to believe that Saudi Arabia may want to cooperate on nuclear weapons-related activities with Pakistan or China to help Saudi Arabia hedge against Iran’s growing nuclear weapons capabilities. It is unclear if either China or Pakistan would actually transfer nuclear weapons directly to Saudi Arabia or choose instead to help it merely develop aspects of a “peaceful” nuclear program, including reprocessing and enrichment. They might do both.78

In this regard, Saudi Arabia has made it known that it intends to build up its “peaceful” nuclear energy capabilities and will not forswear its “right” to enrich uranium or to reprocess plutonium.79 This would constitute one of the most lucrative, best financed near and mid-term nuclear power markets in the world. The reactors Saudi Arabia might build also could serve as the basis for development of a major nuclear weapons option. As Saudi Arabia’s former head of intelligence told NATO ministers, the kingdom would have to get nuclear weapons if Iran did.80 Further underscoring this point, during a March 2018 visit to Washington, Saudi Crown Prince Mohammed bin Salman stated that if Iran acquires a nuclear weapon, Saudi Arabia would do so as well “as soon as possible.”81

Saudi Arabia is not the only Muslim state to be pursuing a nuclear future. Turkey also announced an ambitious “peaceful” atomic power program shortly after Iran’s nuclear enrichment efforts were revealed in 2002, and expressed an interest in 2008 in enriching its own uranium.82 Given Turkish qualms about Iran acquiring nuclear weapons, the possibility of Ankara developing a nuclear weapons option (as it previously toyed with doing in the late 1970s)83 must be taken seriously. In addition, Algeria and Egypt (political rivals) and Syria (a historical ally of Iran) all have either attempted to develop nuclear weapons options or refused to forswear making nuclear fuel, a process that can bring them within weeks of acquiring a bomb. Algeria now has enough plutonium and the skills to separate it from spent fuel to make several bombs’ worth.84 Egypt, which has long complained about Israeli nuclear weapons and previously attempted to get nuclear weapons, has signed a deal with Russia to construct its first large power reactor.85 Israel, meanwhile, continues to make nuclear weapons materials at Dimona, and all of these states have nuclear-capable missile systems (see figure 3-13).86

[[FIGURE 3-13 OMITTED]]

Very little of this rhymes with the world a halfcentury ago. In the early 1960s, the only countries with civilian nuclear power reactors were the United States, the United Kingdom, and Russia. There are now 31 states. Most of these are in Eastern and Western Europe, but as figure 3-13 shows, other states in far less stable regions are hoping to bring their first nuclear power plants online before 2035. This trend, particularly in the Far and Middle East, has strategic implications.87

As already noted, each of these plants—even the most proliferation-resistant light water reactor types— can be regarded as a “nuclear bomb starter kit.” Although the nuclear industry has consistently promoted the mistaken idea that the plutonium power reactors produce is unsuitable to make bombs, these reactors can be operated not only to produce large amounts of reactor-grade plutonium that can be made into bombs, but also large amounts of weapons-grade and near-weapons-grade plutonium as well.88 In fact, in their first 12-18 months of normal power production operation, these reactors can produce roughly 50 bombs’ worth of near-weapons-grade plutonium. If refueled every 10 months, they can produce roughly 30 bombs’ worth of weapons-grade plutonium.89 The plants can and have been used as covers to acquire weapons related technology, hardware, and training.90 Finally, the massive amounts of low-enriched fresh fuel stored at these reactors for safety reasons can afford a source of low-enriched uranium (LEU) to jumpstart a uranium enrichment weapons option.91 That is why efforts are made to control the export of these plants and why they are routinely inspected to guard against military diversions.92

As for declared nuclear fuel making plants—uranium hexafluoride and enrichment facilities, plutonium separation and fuel fabrication plants, etc.—a deeper problem occurs that relates to the limits of International Atomic Energy Agency (IAEA) safeguards themselves. Even under ideal circumstances, the agency allows that, with commercial-sized plants, it can lose track of special nuclear material. The margins of statistical error associated with the inspection of these plants are egregiously large. Consider the reprocessing plant Japan wants to operate at Rokkasho. In this case, the agency can be expected to lose track of roughly 250 kilograms (i.e., roughly 50 first-generation bombs’ worth) a year. This means that nearly 50 bombs’ worth of weapons-usable plutonium could possibly go missing from Rokkasho without setting off any international inspection alarms at all.93

Will the world be able to cope with the further spread of such “peaceful” nuclear facilities? Given the additional noted missile, fissile, and weapons trends, what, if anything, can be done to avoid their military diversions or worse—more widespread nuclear weapons competitions and, far worse, a possible accidental or intentional use of nuclear weapons?

[[CHAPTER 3 ENDNOTES OMITTED]]

CHAPTER 4. WHAT MIGHT HELP

These trends invite disorder. How much depends on how well the United States, Russia, China, and other key states deal with them.

Despite Washington’s strained relations with Moscow, U.S. President Donald Trump is still interested in negotiating more nuclear constraints with Russia.1 The United States has encouraged all countries to protect civilian and military nuclear facilities and stores of weapons-usable nuclear materials against theft or sabotage. The United States has tried to persuade non-weapons states to forgo civilian reprocessing or enrichment.

These U.S. nuclear control initiatives, even if successful, still leave much to be done. Several related areas cry out for greater attention: nuclear and missile developments in China and East Asia, the global spread of “peaceful” nuclear technology, and the continued failure to develop a consistent, broad approach to preventing nuclear proliferation. This suggests three recommendations.

RECOMMENDATION 1

Clarify China’s strategic military capabilities and promote nonproliferation and arms control measures that limit strategic weapons in Asia. Most current nuclear arms control initiatives (e.g., the Limited Test Ban Treaty [LTBT], the Comprehensive Nuclear-TestBan Treaty [CTBT], the Fissile Material Cut-off Treaty [FMCT], limits on missile defenses, Strategic Arms Limitation Talks [SALT], Strategic Arms Reduction Treaty [START], and Intermediate-Range Nuclear Forces Treaty [INF]) were originally designed to limit arms competitions between the United States and Russia. The Nuclear Nonproliferation Treaty (NPT) was initially designed to reduce the prospects of nuclear proliferation mostly in Europe. As the world’s economic and strategic center of gravity shifts toward Asia, though, it would make sense to tailor more of our control efforts toward this region.

Wither Beijing?

This means, first, clarifying China’s strategic capabilities. Beijing’s revelations that it has built 3,000 miles of deep tunnels to protect and hide its dual-capable missiles and related nuclear warhead systems, suggest the need to reassess estimates of China’s nuclear-capable missile and nuclear weapons holdings and plans. Are Beijing’s revelations disinformation designed to intimidate? Is it hiding more military assets than we currently assess it has? What is it planning to acquire and deploy? How much military fissile material—plutonium and highly enriched uranium (HEU)—does China currently have on hand? How likely is it that China has or will militarize or expand its fissile material holdings? How might China militarize its civilian nuclear infrastructure? How many different types of nuclear weapons does it have or intend to deploy? How much fissile material does each type require? How many missile reloads does China currently have; how many is it planning to acquire? How extensive are Chinese deployments of multiple warheads for the country’s missiles, and how much further might China expand these deployments? For which missile types and in what numbers? How many nuclear and advanced conventional warheads is China deploying on its missiles, bombers, submarines, and artillery? What are its plans for using these forces? How might these plans relate to China’s emerging space, missile defense, and anti-satellite capabilities? All of these questions, and more, deserve review within the U.S. Government, with America’s allies, and, to the extent possible, in cooperation with India, Russia, as well as China itself.

As a part of this review, it also would be helpful to game alternative war and military crisis scenarios that feature China’s possible use of these forces. These games should be conducted at senior political levels in American and allied governments. Conducting such games should also inform U.S. and allied arms control policies and military planning. With regard to the latter, a key focus would have to be how one might defend, deter, and limit the damage that Chinese nuclear and nonnuclear missile systems might otherwise inflict against the United States, its bases in the Western Pacific, America’s friends and allies, and Russia.

This could entail not only the further development and deployment of active missile defenses, but also of better passive defenses (e.g., base hardening and improving the capacity to restore operations at bases after attacks; hardened command, control, and communication systems; etc.) and possibly new offensive forces—more capable, long-range conventional strike systems to help neutralize possible offensive Chinese operations.

Yet another focus for such gaming would be to clarify the likely consequences of Japanese or South Korean acquisition of nuclear weapons. These games should be held routinely, bilaterally, and multilaterally with our allies and friends and, at times, with all of the key states, including China, represented by informed experts and officials. The aim of such games would not only be to understand just how risky Japanese and South Korean nuclear proliferation might be, but to clarify the risks China and North Korea will run if they continue to build up their missile and nuclear forces.

Controlling Nuclear Missiles

Such gaming should also encourage a review of Washington’s current arms control agenda. Here several specific ideas, which are particularly relevant to Asia, deserve attention. First among these is talks with China, Russia, and other states about limiting groundbased, dual-capable ballistic and cruise missiles. China possesses more of these systems than any other state. Counting American, Russian, Indian, Pakistani, North Korean, South Korean, and Chinese ground-based missiles, Asia is targeted by more such missiles than any other region.

Unlike air- and sea-based missiles, groundlaunched systems can be securely communicated with and fired instantly upon command. As such, they are ideal for use in a first strike. These accurate, dual-capable missiles also can inflict strategic harm against major bases and naval operations when carrying conventional warheads.

Former U.S. President Ronald Reagan referred to these weapons as “nuclear missiles,” and looked forward to their eventual elimination. Toward this end, he concluded the INF Treaty agreement, which eliminated an entire class of ground-based nuclear-capable missiles, and negotiated the Missile Technology Control Regime (MTCR), which was designed to block the further proliferation of nuclear-capable missiles (i.e., rockets and unmanned air-breathing systems capable of lifting over 500 kilograms for a distance of at least 300 kilometers). With the promotion of space-based missile defenses, President Reagan hoped to eliminate enough of such ground-based missiles to eliminate credible nuclear first strike threats.2

Which states have an incentive to eliminate these missiles? The United States eliminated all of its intermediate ground-launched missiles under the INF Treaty. Most of America’s shorter-range missiles are either air-launched or below MTCR range-payload limits. As for U.S. ground-based intercontinental ballistic missiles (ICBMs), they are all based in fixed silos. To avoid being knocked out in any major future nuclear exchange, these missiles may have to be launched on warning. Russia, on the other hand, has a large, road-mobile ICBM force. At the same time, it is worried about growing numbers of long-range, precision missiles that both the United States and China are developing against which it cannot easily defend.3

India and Pakistan have ground-launched ballistic missiles, but some of their most seasoned military experts have called for the elimination of short-range missiles, arguing that these weapons are only likely to escalate border disputes.4 As for China, it has much to gain by deploying more ground-launched missiles, unless, of course, such deployment causes India, Russia, and the United States to react militarily. The United States has been developing hypersonic boost glide systems that could provide it with prompt global strike options. It could base these systems either in the continental United States or in forward bases in the Western Pacific.5 It also has hundreds of silo-based ICBMs that it could convert to deliver advanced nonnuclear payloads, including hypersonic boost glide systems.6 Provoking an uncontrolled competition on the development of these weapons between the United States, China, and Russia would not be in anyone’s long-term interest. Talks about reducing longrange, nuclear-capable ground-based missile systems and preventing the further spread of advanced missile technologies (e.g., hypersonic boost glide technology7 ) to other states should be explored.8

Limiting Forward Nuclear Deployments

Another arms restriction that should be considered is keeping the world’s nuclear-armed states from deploying any additional nuclear weapons in peacetime on the soil of states that lack such weapons. An immediate concern is Saudi Arabia, rumored to be interested in buying nuclear weapons either from China or Pakistan, or in getting either nation to deploy several of their warheads there. Under the NPT, it is permissible for nuclear weapons states to deploy their weapons in states that lack such weapons so long as these weapons stay under the “control” of the donor nuclear weapons state. This provision in the NPT was crafted in the 1960s to allow the United States to continue to deploy tactical nuclear weapons to North Atlantic Treaty Organization (NATO) countries and East Asia, and for the Soviet Union to do so in Warsaw Pact countries.

Although the United States continues to forward base some of its weapons in Europe, long-range bombers and missile systems have made it possible to remove all of the forward deployed U.S. tactical nuclear systems from East Asia. Given that Washington is unlikely to reintroduce them or to increase existing deployments, it may be possible to broker some understanding to forbid any further deployments in exchange for Chinese and Pakistani pledges not to deploy any of their nuclear arms beyond their soil.

With the turmoil in the Persian Gulf region, brokering such an understanding would be timely. It also would have the immediate advantage of engaging Pakistan, a non-NPT member, in some form of nuclear arms restraint. This is something that should be encouraged more generally with nuclear weapons-armed non-NPT members. Pakistan recently announced its willingness to forgo nuclear testing unilaterally.9 Given Pakistan’s rivalry with India, perhaps New Delhi could be persuaded to consider adopting such limits as well. Beyond this, other limits, including on nuclear fissile production, might be sought by not only Pakistan and India, but Israel as well. In this manner, one could begin to view states that are now outside the NPT as being instead potential NPT members in noncompliance—i.e., as states, which by taking steps toward nuclear restraint, might improve their current noncompliant NPT status. Additional nuclear restraints ought also to be promoted among the nuclear weapons armed states. Although, there is no clear legally binding obligation for the nuclear-armed states to disarm, the NPT encourages all states to make good faith efforts to do so.10

Fissile Limits, Starting with China

If the United States could get other states to reduce their nuclear weapons capabilities in a verifiable fashion, it should be open to continuing to do so. Reaching new treaty agreements, though, ought not to be the only measure of progress. Although it may not be possible to conclude a fissile material cutoff treaty anytime soon, all of the other permanent members of the United Nations Security Council (UNSC) should press China to follow their lead in unilaterally forswearing making fissile material for weapons. This, in turn, could be helpful in pressing for moratoriums on “peaceful” nuclear fuel making of uneconomical nuclear weapons-usable fuels as well.11

In this regard, an informal pause on the commercial production, stockpiling, and recycling of plutonium would make sense. A good place to begin would be in East Asia and the Pacific, starting with China, the United States, Japan, and South Korea.12 Here, it is worth noting that the 2012 report of the U.S. Blue Ribbon Commission on America’s Nuclear Future determined that dry cask storage would make more economic sense for the United States to pursue in the management of waste and economic production of nuclear electricity than commercial plutonium recycling in the near and mid-term.13 Meanwhile, America’s efforts to convert weapons plutonium into commercial mixed oxide fuel (MOX) are likely to be terminated.14 As for Japan’s planned plutonium reprocessing and fast reactor programs, Tokyo will have trouble implementing them given its reduced reliance on nuclear power and its termination of its only demonstration sized breeder at Monju. South Korea wants to recycle plutonium in a prototype integrated fast reactor, but this program may well get pushed back considerably. Its planned first fuel loading will be low-enriched uranium (LEU), not plutonium-based fuel.15

China is working with AREVA to build a commercial reprocessing plant nearly identical to the Rokkasho plant in Japan. A sticking point, though, is siting. So far, Beijing has been unable to select a site its public can accept. According to nuclear analysts, Beijing might build this large commercial reprocessing plant by 2030, have it separate plutonium for 10 to 20 years, and stockpile this material to fuel a fleet of commercial breeder reactors.16 This view, in turn, is driven by the expectation that uranium yellowcake will be unavailable after 2050 for anything less than US$130 (current) per pound (i.e., 300 percent more than the price today).17

This uranium price projection is speculative and rebuttable. What is not is the potential military utility of China’s civilian plutonium program. As already noted, the commercial-sized reprocessing plant the Chinese nuclear establishment may decide to build could produce enough plutonium for roughly 1,500 first-generation bombs annually. Assuming China’s first breeder reactor came online by 2040, its first fueling with plutonium would come only after China had amassed well over 15,000 weapons’ worth of plutonium.

Of course, if any of the three East Asian states begins to reprocess plutonium commercially, the other two would almost certainly follow, as much as a security hedge against each other as for any civilian purpose. At a minimum, the United States, France, and Russia should refrain from promoting reprocessing and large fast reactors in the region.18 For similar reasons, China, Japan, and South Korea are each interested in significantly expanding their capacity to enrich uranium even though there is a surfeit of uranium enrichment capacity worldwide. South Korea also is interested in developing naval reactors, which would require enriched uranium fuel.19 This raises the question of how naval reactor fuels might be inspected and controlled by the International Atomic Energy Agency (IAEA), not just in South Korea but also in Brazil, Iran, and Pakistan―states that have also expressed an interest in developing naval reactors.20 To head this off, it would be helpful to call for a freeze on the deployment of any additional commercial uranium enrichment capacity in China, Japan, and South Korea (and North Korea, if possible).21

As already noted, the United States and Russia maintain surplus nuclear weapons and nuclear weapons materials stockpiles, and India, Israel, Pakistan, China, Japan, France, and the United Kingdom hold significant amounts of nuclear explosive plutonium and uranium. This fissile material overhang increases security uncertainties as to how many nuclear weapons these states might have or could fashion relatively quickly. Given the verification difficulties with a proposed fissile material cutoff treaty and the improbabilities of such a treaty being brought into force, it would be useful to consider control alternatives.22

One idea, backed by several analysts and former officials, is a voluntary initiative known as the Fissile Material Control Initiative (FMCI).23 It would call on nuclear weapons-usable material producing states to set aside whatever fissile materials they have in excess of their immediate military or civilian requirements for either final disposition or internationally verified safekeeping. Russia and the United States have already agreed to dispose of 34 tons of weapons-grade plutonium, and have blended down 683 tons of weapons-grade uranium for use in civilian reactors. Much more could be done to dispose of, and end production of, such weapons-usable nuclear materials, not only in the United States and Russia, but also in other fissile-producing states, including those in Asia.24

RECOMMENDATION 2

Encourage nuclear supplier states to condition their further export of civilian nuclear plants upon the recipients forswearing reprocessing spent reactor fuel and enriching uranium and press the IAEA to be more candid about what it can safeguard. Will Iran’s pursuit of “peaceful” nuclear energy serve as a model for Saudi Arabia (which says it wants to build 16 large power reactors before 2035), Turkey (which says it plans to build 20), Egypt (4), and Algeria (3)? When asked, none of these countries’ officials has been willing to forgo making nuclear fuel. So far, only Turkey and the United Arab Emirates (UAE) have ratified the IAEA’s tougher nuclear inspection regime under the Additional Protocol. There also is the outstanding issue of whether the United States will eventually authorize South Korea to recycle U.S.-origin nuclear materials.

All of this should be a worry, since, as already noted, the IAEA cannot find covert enrichment or reprocessing facilities or reactor plants with much confidence (compare to recent history regarding nuclear plants in Iran, Iraq, North Korea, and Syria). Once a large reactor operates in a country, fresh LEU becomes available and raises the possibility that it could be seized for possible further enrichment to weapons grade in a covert or declared enrichment plant. Alternatively, the reactor’s plutonium-laden spent fuel could be reprocessed to produce many bombs’ worth of plutonium. Unfortunately, IAEA inspections at declared commercial-sized uranium hexafluoride and enrichment plants, plutonium separation facilities, and plutonium fuel production plants could lose track of several scores of bombs’ worth of nuclear explosive material annually.

The Gold Standard

Given these points and recognizing that the authority to inspect anywhere at any time without notice is not yet available to the IAEA (even when it operates under the Additional Protocol), any state’s pledge not to conduct reprocessing or enrichment could not be fully verified in a timely manner. Still, securing such a legal pledge would have some value: it would put a violating country on the wrong side of international law if or when it was found out, and would make such action sanctionable. This may not be as much as one wants or needs, but it is far more of a deterrent to nuclear misbehavior than what current nonproliferation limits afford.

Other than the United States, no nuclear supplier state (i.e., Russia, France, Japan, China, or South Korea) has yet required any of its prospective customers to foreswear enriching uranium or reprocessing spent fuel to extract plutonium, or committing to ratify the Additional Protocol. It is unclear how far the United States will push states to do so (i.e., demanding what is called the nonproliferation gold standard for civil nuclear cooperation agreements).25

There is some support in the U.S. Congress for making it more difficult to finalize any future U.S. nuclear cooperative agreements with nonnuclear weapons states like Saudi Arabia unless they agree to the U.S.-UAE nuclear cooperative conditions.26 These congressional representatives believe that by taking the lead on imposing such nonproliferation conditions, the United States would be in a much better position to persuade other nuclear supplier states to do the same.

With the Japanese and South Koreans, close U.S. nuclear cooperation and security guarantees could be leveraged to secure these countries’ agreement to such conditions on their nuclear exports. They and the Chinese want to export reactors based on U.S. designs. It is unclear whether they can do so legally to states that do not have a nuclear cooperative agreement with the United States. China, meanwhile, needs all the help it can get from the United States to complete the Westinghouse-designed reactors it is building and the Chinese variant on which it is basing much of its nuclear future. Moreover, France may have difficulty exporting reactors without significant Asian support.27 With Russia as well as China, the United States should be more candid about the safety issues that the construction and operation of their reactors present and offer to renew or expand nuclear cooperation to help resolve these concerns in exchange for upgrading the nonproliferation conditions on these countries’ nuclear exports.28 Finally, the United States should approach URENCO about requiring recipients of uranium exports not to enrich or reprocess these materials without URENCO’s consent.

Timely Detection

It also would be helpful if the IAEA was more honest about what kinds of nuclear activities and material holdings it can actually safeguard effectively—i.e., which ones it can inspect so as to detect military diversions in a timely fashion and which ones it cannot. As it is, the IAEA is unwilling to make public its assessments of the agency’s ability to meet its own timeliness detection goals (which are hardly strict). Meanwhile, no state, including the United States, has yet done such an assessment of the effectiveness of the agency’s safeguards.29

In the 1960s, 1970s, 1980s, and 1990s, when only a handful of states lacking nuclear weapons were interested in enriching uranium or separating plutonium from spent reactor fuel, this lax approach may have been tolerable. Today, however, Japan, South Korea, Argentina, Brazil, South Africa, Egypt, Turkey, Saudi Arabia, Iran, Vietnam, and Jordan are all either making enriched uranium, reprocessing spent reactor fuels, or reserving their “right” to do so. All of these states are members of the NPT and have pledged not to acquire nuclear weapons. Should we assume that none of them would ever cheat? What confidence should we have that the IAEA would be able to detect possible diversions early enough for the other NPT members to intervene to prevent them from producing nuclear weapons?

Currently, the IAEA’s own nuclear safeguard guidelines set routine inspection intervals to approximate the time the agency estimates is needed to convert certain special nuclear materials into bomb cores. The IAEA’s ability to verify production figures at large uranium hexafluoride (reprocessing, uranium enrichment, and plutonium and mixed oxide fuel fabrication) plants though, is limited. Not only does the agency have difficulty detecting abrupt diversions in a timely fashion (i.e., it may only be able to learn of diversions after they have occurred), but the margins of error associated with the IAEA’s ability to detect small, incremental diversions are equivalent to many bombs’ worth every year. In either case, once a state has enough fissile material to make a bomb, it could break out well before the IAEA or other states could intervene to prevent nuclear weapons from being built.

These facts are troubling. What makes them doubly so is that the IAEA has yet to share these specifics publicly in any detail. Worse, it continues to claim that it can safeguard these materials and plants (i.e., provide “timely detection” of possible military nuclear diversions), when, in fact, in many cases, it cannot.

It is essential that inspectors and diplomats distinguish between what inspectors can merely monitor (i.e., inspect to provide confidence that major diversions have not taken place sometime in the past) from what they can actually safeguard (i.e., inspect to assure detection of military diversions early enough so outside parties have sufficient time to block actual bomb making). If this distinction were made clear, governments could fully appreciate and, perhaps restrict, nuclear activities and holdings that are not able to be safeguarded and hence are dangerous.30 This, in turn, would make promoting tougher nonproliferation standards, like the Gold Standard, much easier.

RECOMMENDATION 3

Anticipate and ward off nuclear proliferation developments before recognized redlines have been clearly violated. One of the regrettable legacies of the Cold War is the habit U.S. and allied government officials have acquired of waiting for irrefutable evidence of undesirable, foreign nuclear weapons developments before taking action. This must change.

After the Soviet Union first acquired nuclear weapons in 1949, the West’s aim in competing against it was not so much to prevent Russia from acquiring more strategic weapons as it was to prevent it from gaining strategic superiority. For this purpose, it was sufficient that Western military forces remained more modern and sufficiently numerous to deter Soviet offensive capabilities—i.e., that Russia’s strategic technology stayed roughly one or more generations behind ours so that its strategic deployments could never change the relative balance of power. If Russia deployed a new strategic nuclear rocket, Washington would focus on what the Soviets had built and build a bigger or better U.S. version, or develop some new passive or active defenses, or build counter offensive forces that could neutralize the new Soviet weapon system.

After the United States and Russia ratified a number of strategic arms limitation agreements, any Russian strategic nuclear deployment that exceeded agreed limits became a matter for diplomatic adjudication. In either case, U.S. or allied action turned on detecting and verifying the violation of agreed or implicit redlines. Fortunately, in this competition, the Soviets ultimately failed to keep up with the United States and its allies. Moscow’s failed attempts to do so only helped bankrupt it financially and politically.31

Competitive Strategies

That was the Cold War. In our current efforts to prevent horizontal proliferation, the objective is quite different. Instead of merely trying to stay ahead of a proliferating state militarily, our aim must be to prevent it from acquiring certain weapons altogether. Being able to detect states’ possible violations of pledges not to acquire these weapons is necessary.

The problem is that verifying such detections is much more awkward than detecting and verifying Soviet strategic weapons developments. Whereas detecting Soviet arms developments was often deemed an intelligence success and frequently prompted policy or military actions, detecting nuclear proliferation today is bad news—it only confirms that our nuclear nonproliferation policies have failed. More often than not, by the time one verifies a nonproliferation violation, it is too late to roll it back unless one takes relatively extreme diplomatic or military measures. It is not surprising, then, that in more than a few proliferation cases—e.g., with Israel, Pakistan, North Korea, South Africa, and India—U.S. officials often averted their gaze from, denied, or downplayed intelligence that these states had acquired or tested nuclear weapons.32

In some cases, though, the United States and its allies succeeded in preventing nuclear proliferation. The most prominent cases included getting Taiwan, South Korea, South Africa, Argentina, Brazil, Ukraine, and Libya to give up their nuclear weapons programs. In these cases, the United States and its allies had a long-term regimen of nonproliferation sanctions and export controls in place well before the state in question ever acquired nuclear weapons (e.g., in the cases of Libya and South Africa) or acted well before there was clear proof that nuclear weapons were in hand or were going to be retained (e.g., with Taiwan, South Africa, South Korea, and Ukraine).33

What these and other less well-known nonproliferation successes suggest is the desirability of creating long-term, country-specific strategies that initially eschew dramatic actions. These strategies could be developed along several lines. In the case of Libya and South Africa, the West relied heavily on long-term, bureaucratically institutionalized economic sanctions and export controls as well as a vigilant proliferation intelligence watch on each country’s nuclear weapons-related programs and timely political interventions.

### 2ac – leaks – russia impact

#### Leaks empower Russian aggression that destroys the LIO

Constantine A. **Pagedas 17**, Executive vice president at International Technology and Trade Associates, Inc, “Returning to Relevance: the Russian Challenge to Geopolitical Stability,” Japan Spotlight, March/April 2017, http://www.itta.com/sites/default/files/files/pagedas\_russian\_challenge\_to\_geopolitical\_stability.pdf

Today, aggressive Russian behavior on the world stage and a similar neurotic worldview poses serious risks to the geopolitical stability of the United States and Europe. As a former KGB intelligence officer in East Germany who saw firsthand the decline of Soviet influence within the Warsaw Pact, since coming to power in late 1999 Russian President Vladimir Putin has been a strong proponent of restoring Russian power and prestige in the world and diminishing the political, economic, and geostrategic foundations of the transatlantic partnership. Over the past few years, however, the Russian president has shown himself to be increasingly like some of his predecessors as the US and Europe have been preoccupied with costly wars in Iraq and Afghanistan, the rise of international terrorist organizations such as al-Qaeda and the Islamic State, the Syrian civil war and the refugee crisis it created, the eurozone debt crisis, and the rise of China as a geostrategic competitor. Under Putin’s direction, Russia has engaged in a series of important actions that have not only advanced Russian interests worldwide, but have also threatened to undermine the foundations of the geopolitical order that have existed since the end of World War II.

Putin’s “Strong Man” Politics

From its origins as the Grand Duchy of Moscow that grew to become the Russian Empire, evolved into the Soviet Union, and finally into today’s modern authoritarian state, Russia has depended on strong, centralized government control to preside over its vast geographic territory and its multi-ethnic population. Over the centuries, Russian nationalism and cold-blooded rule from Moscow or St. Petersburg became ingrained in the leadership of Russian political calculation and combined with what Kennan called the “traditional and instinctive Russian sense of insecurity … [because] Russian rulers have invariably sensed that their rule was relatively archaic in form, fragile and artificial in its psychological foundation, unable to stand comparison or contact with political systems of western countries.”

Indeed, Putin has followed in varying degrees the blueprints of previous strong men who have led Russia such as Peter the Great, Emperor Nicholas I, and of course, Stalin. Whenever opportunities presented themselves, Moscow advanced its geopolitical position either directly through military aggression or, as Kennan wrote, Russian diplomacy would focus on “inhibiting or diluting the power of others”. As such, Putin’s two overarching geostrategic goals since coming to power have been the restoration of Russia’s previous status as a global superpower, to include rebuilding the Russian armed forces and regaining or controlling some of the territories in Russia’s “near abroad” in Eastern Europe and the Black Sea region lost after the end of the Cold War, and distancing the North Atlantic Treaty Organization (NATO) countries from Eastern Europe and from each other.

Russian history has shown that callous and ruthless control of Russia’s domestic politics is a prerequisite for any successful Russian foreign and national security policy. From 2000 until 2008, Putin radically amended the 1993 Russian constitution to make an already strong presidency even stronger. Overall, Putin’s time in office so far has been marked by the growth of authoritarian rule coupled with a corrupt bureaucracy that favors a few oligarchs who control the country’s critical infrastructure and key industries and who primarily answer only to the Russian president. Initially limited to two four-year terms as president, Putin then served as prime minister from 2008 until 2012, only to return as president to begin a six-year term in March 2012 through what were widely perceived to be unfair elections.

In addition, Putin has been responsible for significantly curbing democratic freedoms and for the repression of domestic political dissent. Under Putin’s leadership, Russia has also implemented several restrictive laws against minority groups, harassed, intimidated, and imprisoned political activists, and cracked down on critics in the Russian media who contradict or oppose the government’s line. The international watchdog group Freedom House rates Russia very poorly in terms of government openness and political liberty, noting especially that “Decisions are adopted behind closed doors by a small group of individuals — led by Putin — whose identities are not often clear, and announced to the population after the fact. Corruption in the government and business world is pervasive, and a growing lack of accountability enables bureaucrats to act with impunity.” Putin will be up for re-election in 2018 for another six-year term while his United Russia party has strongly benefited from recent changes to national, regional, and local election laws to ensure continuity of Putin’s political control of Russia for some time to come.

Russia’s Military Buildup under Putin

One of the primary ways in which Russia is trying to elevate its geopolitical power is with respect to the Russian armed forces, where Putin has prioritized the country’s largest military buildup since the Cold War. According to SIPRI’s Military Expenditure Database, Russia’s total military spending in current US dollars grew from approximately $11.7 billion in 2001 and peaked at $88.4 billion in 2014, representing over a seven-fold increase in military spending. In addition, many news outlets have claimed that this does not include a significant number of unreported programs, making the growth of Russia’s military spending higher still. Some organizations such as the International Monetary Fund have even estimated that the unreported share of Russia’s military budget in 2016 may be nearly 25% more than what the Russian government has officially claimed.

In 2010, Russia embarked on a 10-year program to increase the size of its military as well as modernize, update, or replace approximately 70% of its aging and obsolete military equipment by 2020. The number of Russians serving active duty in its military has also significantly grown to an estimated 850,000 in 2014 at a time when the number of troops in almost every Western country has been dropping (Photo 2).

At the same time, the Russian government’s rearmament program is seeing a technologically much improved force taking shape, which according to IHS Jane’s includes plans calling for more than 600 fixed-wing aircraft, more than 1,000 helicopters, over 4,600 heavily armored tracked vehicles and 17,000 lighter military vehicles, 50 surface ships, 28 ballistic missile and attack submarines, as well as improvements to various short-, medium-, and long-range missiles and mobile missile systems. Russia is currently positioning its upgraded military force in various key geostrategic locations around the country and its near abroad to potentially challenge NATO forces in Eastern Europe, to consolidate its existing military gains in Ukraine, and to project Russian power in the Black Sea region and beyond in the Middle East.

Nowhere is Russia’s growing military capability on full display to NATO and the rest of the world than in the Russian enclave of Kaliningrad, located on the Baltic Sea and nestled between Poland and Lithuania. Kaliningrad is the home of Russia’s Baltic Fleet (Photo 3), which according to publicly available data comprises approximately 50 different vessels, including diesel-powered submarines, one Sovremenny-class destroyer, eight Steregushchyand Nanuchka-class missile corvettes, two Neustrashimy-class guided missile frigates, six Paschim-class anti-submarine warfare vessels, and a few dozen smaller vessels and landing ships, together with one brigade of naval infantry and two regiments of coastal defense artillery, along with a garrison with an estimated 200,000 military personnel — despite official Russian numbers claiming only 100,000. Other significant upgrades to Kaliningrad’s military infrastructure have occurred in the past couple of years, including the reconstruction and enlargement of the airfield at Chkalovsk to accommodate large military aircraft, as well as the refurbishment of an abandoned Soviet-era airfield for hydroplanes on the Baltic Spit.

In early October 2016, significant East-West tensions were raised when Moscow deployed Iskander-M mobile systems to Kaliningrad (Photo 4). First introduced to the Russian military in 2013, the Iskander-M is able to target enemy missile systems, rocket launchers, long-range artillery, and command posts, as well as aircraft and helicopters at a distance of up to 320 miles — threatening much of eastern Poland and all of Lithuania. Tensions were further raised later in the month when Russia sent to the Baltic Sea two Buyan-M class corvettes armed with nuclear-capable Kalibr cruise missiles which have a range of 930 miles. According to Russian news sources, there are also plans for Russia’s Baltic Fleet to receive three additional such warships armed with Kalibr missiles by the end of 2020 along with enhanced coastal defenses including Bastion and Bal land-based antiship missile systems. Russia’s current and planned military buildup of Kaliningrad is protected by its existing long-range radar and its S-400 Triumf air defense system which has a 250-mile range and provides the surrounding region with a fairly sophisticated anti-access/area denial capability for the Russian military.

Hybrid Warfare & Power Projection

As highlighted in a previous issue of this magazine (July/August 2014), a resurgent Russia under Putin has also seen Russian aggression successfully used to secure Russia’s “near abroad” — most notably against Ukraine. Beginning in March 2014, Russia annexed the Crimean peninsula and its key naval base at Sevastopol. Russia then divided the eastern, ethnically Russian, and highly industrialized areas of its neighbor from the western, ethnically Ukrainian, and mostly agricultural areas. Moscow not only accomplished this by arming and supplying local separatists, but also by utilizing a provocative propaganda campaign to create political unrest with hacked information that included the broadcast of an intercepted February 2014 telephone call between US Assistant Secretary of State Victoria Nuland and US Ambassador to Ukraine Geoffrey Pyatt describing US brokering of a political deal among Ukrainian government officials who were then negotiating the formation of a new Western-leaning government. The disclosure of this conversation seemed to prove American involvement in the local politics of a country bordering Russia and that the US was working directly against Russian interests.

Other Russian actions in Ukraine included spreading “fake news” stories, interrupting energy flows, and even sending in Spetsnaz special forces units, the masked and unmarked camouflage-wearing “Little Green Men”, whose mission was to take control of key strategic locations in the country such as military bases, airports, and government buildings in eastern Ukraine (Photo 5). Out of the success of Russia’s barely disguised aggression against its neighbor, experts have come up with the term “hybrid warfare” which has come to describe these “gray areas” of Russian military and paramilitary activities to support favorable political outcomes. Indeed, recent Russian activities with respect to Ukraine harken back to the early Cold War period when Stalin’s government was similarly able to pressure, undermine, and ultimately control most of Eastern Europe.

Beyond its immediate border regions, Russia has also actively supported the regime of Bashar al-Assad since the beginning of the Syrian civil war in 2011. As longtime allies dating to the early Cold War period, Russia initially resisted Western calls in the United Nations Security Council for Assad to step down from power or to implement UN sanctions against Syria. As the crisis intensified, Russia provided Syrian government forces with military aid to suppress the rebel opposition, specifically the US-supported Free Syrian Army (FSA) trying to overthrow the government in Damascus. Since September 2015, however, Russia has engaged in direct military operations to not only secure Assad’s regime and to defeat the FSA and other rebel forces, but also to overthrow the self-declared Islamic State straddling northwestern Syria and northern Iraq.

Russian forces have been primarily operating out of the airbase near Latakia and the port of Tartus, as well as from an aircraft carrier battlegroup in the Eastern Mediterranean, conducting significant and sustained Russian airstrikes on key rebel towns and villages (up to 60 per day) for the better part of two years. It should be highlighted, however, that the Russian military involvement in Syria has not been completely void of international incident. In November 2015, Turkey’s air force shot down a Russian Sukhoi Su-24 strike aircraft for allegedly violating Turkish airspace, temporarily resulting in increased regional tensions. Moreover, Russia has come under strong political condemnation from the international community for airstrikes that are believed to have deliberately struck civilian targets such as hospitals, schools, and homes, especially in and around the destroyed city of Aleppo — the epicenter of the Syrian crisis. From a military perspective, however, the projection of Russian military power in support of the regime in Damascus is widely seen to have successfully turned the tide of the Syrian civil war in Assad’s favor and helped Syrian government forces recapture large areas of lost territory. It is the first time since the Cold War that Russia has engaged in sustained military operations beyond its immediate borders, and is another sign of Russia’s intent to overturn the post1991 geopolitical order.

Hybrid Politics & Kompromat

The famous dictum by the military theorist Carl von Clausewitz that “war is a mere continuation of politics by other means” certainly holds true today. In today’s technologically advanced global environment, however, Putin also appears to be turning this famous line on its head — that influencing politics may also be a mere continuation of war by other means. In this era dominated by mass communication through smartphones and social media, along with the relative ease and low cost of cyberwarfare, democratic political processes — particularly those of open, Western societies whose governments do not restrict their citizens’ access to the Internet — are vulnerable to Russian influence campaigns. Indeed, as much as Russia’s hybrid warfare can be seen as a success in destabilizing Ukraine and annexing Crimea, this era may also be one characterized by hybrid politics, whereby democratic institutions or processes can be manipulated or undermined through the release of intelligence, disinformation, or compromising information (known in Russian as kompromat) that has been hacked or otherwise acquired to tarnish the reputation, or question the legitimacy, of an intended political target, and thus used to achieve a political outcome favorable to the Kremlin. The main idea behind kompromat is to create plausible truths about intended political victims, while also allowing Russian leadership plausible denial regarding the origin of the leaked information.

Certainly, Putin’s background, training, and experiences in intelligence, deception, and misinformation for the KGB and its successor, the FSB, are important puzzle pieces in the development of Russian hybrid politics. First, as a young major in the Soviet secret police who spent the late 1980s working closely with the East German Stasi in Dresden and recruiting people trained in “wireless communications” to steal Western technology and NATO secrets, and then in the late 1990s as FSB director, Putin reportedly became not only expert in blatant disregard for the truth about Russian military activities and casualty rates during the war in Chechnya, but also more than capable of inventing and distributing self-serving lies and inaccurate information to sow confusion among political opponents and ultimately to control them.

Another reason for the growth of Russian hybrid politics is the current environment in which Western governments operate. With vast amounts of government documents and data now being stored electronically, the ease with which this information can be transferred almost instantaneously is greater than ever. Moreover, the increased use over the past two decades of private sector firms that support key national security organizations such as the Department of Defense, the National Security Agency, the Central Intelligence Agency, and others presents a security challenge which in some respects is unique to the US. Outside contractors — private US citizens who work alongside government employees with many of the same clearances and therefore access to the same classified government information — today provide countless additional potential exit points for government information to be leaked.

Indeed, Russia appears to be connected to a massive information-gathering effort on potential political targets focused on the US and Europe. Most famously, in June 2013 the outside contractor Edward Snowden who was working for the NSA released classified documents to various journalists and newspapers around the world revealing information on US government surveillance programs against other countries, including US allies. Snowden fled the US and eventually sought political asylum in the waiting arms of Moscow (Photo 6). The US, UK, and French intelligence services also all believe there is a direct connection between the Russian government and the international open government organization Wikileaks, whose founder Julian Assange has been responsible over the past several years for releasing compromising documents about both the US government and the Democratic presidential candidate Hillary Clinton.

Finally, Russian hybrid politics is to some extent dependent upon willing political targets. The Kremlin’s attempt to influence the 2016 US presidential election as alleged by the US intelligence community involved the acquisition and release of compromising information on Clinton, the opponent of Russia’s preferred candidate Donald Trump. For his part, both on the campaign trail and following his election, Trump expressed an unusually strong affinity for Putin and Russia, at various times taking to Twitter to praise the Russian leader as “very smart”, to call upon Russia to release damaging information on Clinton (which some claimed was treasonous), and even to deflect public attention on himself, claiming that “Clinton’s close ties to Putin deserve scrutiny.”

As was the case, Trump won the election in one of the largest upsets in US political history. Although it is impossible to measure the effect of Russia’s influence on the 2016 US election, Trump cannot condemn Russia too strongly without casting doubt on the legitimacy of his own electoral success. Nevertheless, he has been reluctant to assign any blame to Russia and has dismissed the US intelligence community’s post-election analysis despite overwhelming evidence to the contrary — going so far as to fault US intelligence for leaking an unverified political report alleging financial improprieties and embarrassing salacious personal behavior about himself (Photo 7). “If Putin likes Donald Trump,” he told a crowd of journalists at a January 2017 press conference, “guess what, folks, that’s called an asset not a liability.”

Putin’s Annus Mirabilis

Today it is worth remembering that Kennan’s Long Telegram concluded with a stark warning: “We must have the courage and self-confidence to cling to our own methods and conceptions of human society. After all, the greatest danger that can befall us in coping with this problem of [Russia], is that we shall allow ourselves to become like those with whom we are coping.”

The year 2016 may be considered an annus mirabilis for Putin’s long-held plan to restore Russia — challenging not only the global order created by the end of the Cold War, but perhaps also overturning the very foundations of the postwar international security structure. Under President Barak Obama, the US largely only took symbolic gestures to confront the buildup of Russia’s military capabilities and its aggression in Ukraine, sending token forces to the region and imposing sanctions, albeit in coordination with its European allies and with some economically crippling effects. From the Russian point of view, however, the election of Trump has already had its intended effect — to create political confusion and generate divisions within the US and among the members of the Western Alliance, to divert Washington’s attention away from Russia’s growing military and intelligence capabilities, and to sow doubt in the US political system and its democratic institutions.

The year 2017 looks even brighter for Russia and Putin. It appears he may be gaining a useful political ally in Trump, who indicated he might even be willing to lift the sanctions on Russia in exchange for Russian help in the fight against terrorism. In an unmistakable reference to Russia in his inaugural address, Trump noted that the US would “reinforce old alliances and form new ones — and unite the civilized world against radical Islamic terrorism.” Moreover, Trump’s enthusiasm for NATO is low. Just prior to assuming office, he labeled the organization “obsolete” and is likely to approach European capitals early in his term with a demand they pay more towards their own security. As the United Kingdom appears set to trigger negotiations to exit the European Union, while both France and Germany are facing national elections with rightwing parties rising in popularity, and as the new era in Washington begins with strong mutual distrust between Trump and his own intelligence community, Russia is in a strong position to shape the geopolitical environment to more closely align with its core national interests and continue its return to great power status and growing global relevance.

#### The liberal order prevents extinction from nuclear war, warming, and rogue tech development

Yuval Noah Harari 18, Professor of History at Hebrew University of Jerusalem, 9/26/18, “We need a post-liberal order now,” The Economist, <https://www.economist.com/open-future/2018/09/26/we-need-a-post-liberal-order-now>

For several generations, the world has been governed by what today we call “the global liberal order”. Behind these lofty words is the idea that all humans share some core experiences, values and interests, and that no human group is inherently superior to all others. Cooperation is therefore more sensible than conflict. All humans should work together to protect their common values and advance their common interests. And the best way to foster such cooperation is to ease the movement of ideas, goods, money and people across the globe.

Though the global liberal order has many faults and problems, it has proved superior to all alternatives. The liberal world of the early 21st century is more prosperous, healthy and peaceful than ever before. For the first time in human history, starvation kills fewer people than obesity; plagues kill fewer people than old age; and violence kills fewer people than accidents. When I was six months old I didn’t die in an epidemic, thanks to medicines discovered by foreign scientists in distant lands. When I was three I didn’t starve to death, thanks to wheat grown by foreign farmers thousands of kilometers away. And when I was eleven I wasn’t obliterated in a nuclear war, thanks to agreements signed by foreign leaders on the other side of the planet. If you think we should go back to some pre-liberal golden age, please name the year in which humankind was in better shape than in the early 21st century. Was it 1918? 1718? 1218?

Nevertheless, people all over the world are now losing faith in the liberal order. Nationalist and religious views that privilege one human group over all others are back in vogue. Governments are increasingly restricting the flow of ideas, goods, money and people. Walls are popping up everywhere, both on the ground and in cyberspace. Immigration is out, tariffs are in.

If the liberal order is collapsing, what new kind of global order might replace it? So far, those who challenge the liberal order do so mainly on a national level. They have many ideas about how to advance the interests of their particular country, but they don’t have a viable vision for how the world as a whole should function. For example, Russian nationalism can be a reasonable guide for running the affairs of Russia, but Russian nationalism has no plan for the rest of humanity. Unless, of course, nationalism morphs into imperialism, and calls for one nation to conquer and rule the entire world. A century ago, several nationalist movements indeed harboured such imperialist fantasies. Today’s nationalists, whether in Russia, Turkey, Italy or China, so far refrain from advocating global conquest.

In place of violently establishing a global empire, some nationalists such as Steve Bannon, Viktor Orban, the Northern League in Italy and the British Brexiteers dream about a peaceful “Nationalist International”. They argue that all nations today face the same enemies. The bogeymen of globalism, multiculturalism and immigration are threatening to destroy the traditions and identities of all nations. Therefore nationalists across the world should make common cause in opposing these global forces. Hungarians, Italians, Turks and Israelis should build walls, erect fences and slow down the movement of people, goods, money and ideas.

The world will then be divided into distinct nation-states, each with its own sacred identity and traditions. Based on mutual respect for these differing identities, all nation-states could cooperate and trade peacefully with one another. Hungary will be Hungarian, Turkey will be Turkish, Israel will be Israeli, and everyone will know who they are and what is their proper place in the world. It will be a world without immigration, without universal values, without multiculturalism, and without a global elite—but with peaceful international relations and some trade. In a word, the “Nationalist International” envisions the world as a network of walled-but-friendly fortresses.

Many people would think this is quite a reasonable vision. Why isn’t it a viable alternative to the liberal order? Two things should be noted about it. First, it is still a comparatively liberal vision. It assumes that no human group is superior to all others, that no nation should dominate its peers, and that international cooperation is better than conflict. In fact, liberalism and nationalism were originally closely aligned with one another. The 19th century liberal nationalists, such as Giuseppe Garibaldi and Giuseppe Mazzini in Italy, and Adam Mickiewicz in Poland, dreamt about precisely such an international liberal order of peacefully-coexisting nations.

The second thing to note about this vision of friendly fortresses is that it has been tried—and it failed spectacularly. All attempts to divide the world into clear-cut nations have so far resulted in war and genocide. When the heirs of Garibaldi, Mazzini and Mickiewicz managed to overthrow the multi-ethnic Habsburg Empire, it proved impossible to find a clear line dividing Italians from Slovenes or Poles from Ukrainians.

This had set the stage for the second world war. The key problem with the network of fortresses is that each national fortress wants a bit more land, security and prosperity for itself at the expense of the neighbors, and without the help of universal values and global organisations, rival fortresses cannot agree on any common rules. Walled fortresses are seldom friendly.

But if you happen to live inside a particularly strong fortress, such as America or Russia, why should you care? Some nationalists indeed adopt a more extreme isolationist position. They don’t believe in either a global empire or in a global network of fortresses. Instead, they deny the necessity of any global order whatsoever. “Our fortress should just raise the drawbridges,” they say, “and the rest of the world can go to hell. We should refuse entry to foreign people, foreign ideas and foreign goods, and as long as our walls are stout and the guards are loyal, who cares what happens to the foreigners?”

Such extreme isolationism, however, is completely divorced from economic realities. Without a global trade network, all existing national economies will collapse—including that of North Korea. Many countries will not be able even to feed themselves without imports, and prices of almost all products will skyrocket. The made-in-China shirt I am wearing cost me about $5. If it had been produced by Israeli workers from Israeli-grown cotton using Israeli-made machines powered by non-existing Israeli oil, it may well have cost ten times as much. Nationalist leaders from Donald Trump to Vladimir Putin may therefore heap abuse on the global trade network, but none thinks seriously of taking their country completely out of that network. And we cannot have a global trade network without some global order that sets the rules of the game.

Even more importantly, whether people like it or not, humankind today faces three common problems that make a mockery of all national borders, and that can only be solved through global cooperation. These are nuclear war, climate change and technological disruption. You cannot build a wall against nuclear winter or against global warming, and no nation can regulate artificial intelligence (AI) or bioengineering single-handedly. It won’t be enough if only the European Union forbids producing killer robots or only America bans genetically-engineering human babies. Due to the immense potential of such disruptive technologies, if even one country decides to pursue these high-risk high-gain paths, other countries will be forced to follow its dangerous lead for fear of being left behind.

An AI arms race or a biotechnological arms race almost guarantees the worst outcome. Whoever wins the arms race, the loser will likely be humanity itself. For in an arms race, all regulations will collapse. Consider, for example, conducting genetic-engineering experiments on human babies. Every country will say: “We don’t want to conduct such experiments—we are the good guys. But how do we know our rivals are not doing it? We cannot afford to remain behind. So we must do it before them.”

Similarly, consider developing autonomous-weapon systems, that can decide for themselves whether to shoot and kill people. Again, every country will say: “This is a very dangerous technology, and it should be regulated carefully. But we don’t trust our rivals to regulate it, so we must develop it first”.

The only thing that can prevent such destructive arms races is greater trust between countries. This is not an impossible mission. If today the Germans promise the French: “Trust us, we aren’t developing killer robots in a secret laboratory under the Bavarian Alps,” the French are likely to believe the Germans, despite the terrible history of these two countries. We need to build such trust globally. We need to reach a point when Americans and Chinese can trust one another like the French and Germans.

Similarly, we need to create a global safety-net to protect humans against the economic shocks that AI is likely to cause. Automation will create immense new wealth in high-tech hubs such as Silicon Valley, while the worst effects will be felt in developing countries whose economies depend on cheap manual labor. There will be more jobs to software engineers in California, but fewer jobs to Mexican factory workers and truck drivers. We now have a global economy, but politics is still very national. Unless we find solutions on a global level to the disruptions caused by AI, entire countries might collapse, and the resulting chaos, violence and waves of immigration will destabilise the entire world.

This is the proper perspective to look at recent developments such as Brexit. In itself, Brexit isn’t necessarily a bad idea. But is this what Britain and the EU should be dealing with right now? How does Brexit help prevent nuclear war? How does Brexit help prevent climate change? How does Brexit help regulate artificial intelligence and bioengineering? Instead of helping, Brexit makes it harder to solve all of these problems. Every minute that Britain and the EU spend on Brexit is one less minute they spend on preventing climate change and on regulating AI.

In order to survive and flourish in the 21st century, humankind needs effective global cooperation, and so far the only viable blueprint for such cooperation is offered by liberalism. Nevertheless, governments all over the world are undermining the foundations of the liberal order, and the world is turning into a network of fortresses. The first to feel the impact are the weakest members of humanity, who find themselves without any fortress willing to protect them: refugees, illegal migrants, persecuted minorities. But if the walls keep rising, eventually the whole of humankind will feel the squeeze.