

Caddo Mills Debate

What is the ITP?

Office of Homeland Security

(<http://www.dm.usda.gov/ohsec/itp/index.htm> //um-ef)

The National Insider Threat Policy aims to strengthen the protection and safeguarding of classified information by: establishing common expectations; institutionalizing executive branch best practices; and enabling flexible implementation across the executive branch.

What is an Insider Threat? In accordance with Executive Order 13587, and the National Policy and Minimum Standards for Executive Branch Insider Threat Programs, an insider threat is the threat that an insider will use her/his authorized access, wittingly or unwittingly, to do harm to the security of United States. This threat can include damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or capabilities. Whistleblowers are not insider threats and are protected under federal statutes.

Responsibility for Classified National Security Information (CNSI) - In accordance with Title 7 (Agriculture), part 2, subpart P, §2.95, the Director, Office of Homeland Security and Emergency Coordination is responsible to (ii) Direct and administer USDA's program under which information is safeguarded pursuant to Executive Order 13526, "Classified National Security Information" (75 FR 707, Jan. 5, 2010), or subsequent orders; (iii) Establish and maintain Information Security policies and procedures for classifying, declassifying, safeguarding, and disposing of classified national security information and materials; and (iv) Investigate or delegate authority to investigate any potential compromises of classified national security information and take corrective action for violations or infractions under section 5.5 (b), of Executive Order 13526 or any subsequent order. OHSEC released Departmental Regulation (DR) 4600-003, USDA Insider Threat Program, on June 30, 2014.

2AC — Intelligence Advantage

Lk: Agency overreach

Agencies will overreach

Taylor & Landay 13 – Investigative reporter @ McClatchy & National security and intelligence reporter @ McClatchy [Marisa Taylor & Jonathan S. Landay, “Obama’s crackdown views leaks as aiding enemies of US,” *McClatchy Washington Bureau*, June 20, 2013, pg. <http://tinyurl.com/lgfc4h>

Obama launched the Insider Threat Program in October 2011 after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and sent them to WikiLeaks, the anti-government secrecy group. It also followed the 2009 killing of 13 people at Fort Hood, Texas, by Army Maj. Nidal Hasan, an attack that federal authorities failed to prevent even though they were monitoring his emails to an al Qaida-linked Islamic cleric.

An internal review launched after Manning’s leaks found “wide disparities” in the abilities of U.S. intelligence agencies to detect security risks and determined that all needed improved defenses.

Obama’s executive order formalizes broad practices that the intelligence agencies have followed for years to detect security threats and extends them to agencies that aren’t involved in national security policy but can access classified networks. Across the government, new policies are being developed.

There are, however, signs of problems with the program. Even though it severely restricts the use of removable storage devices on classified networks, Snowden, the former NSA contractor who revealed the agency’s telephone data collection operations, used a thumb drive to acquire the documents he leaked to two newspapers.

“Nothing that’s been done in the past two years stopped Snowden, and so that fact alone casts a shadow over this whole endeavor,” said Steven Aftergood, director of the non-profit Federation of American Scientists’ Project on Government Secrecy. “Whatever they’ve done is apparently inadequate.”

U.S. history is replete with cases in which federal agencies missed signs that trusted officials and military officers were stealing secrets. The CIA, for example, failed for some time to uncover Aldrich Ames, a senior officer who was one of the most prolific Soviet spies in U.S. history, despite polygraphs, drunkenness, and sudden and unexplained wealth.

Stopping a spy or a leaker has become even more difficult as the government continues to accumulate information in vast computer databases and has increased the number of people granted access to classified material to nearly 5 million.

Administration officials say the program could help ensure that agencies catch a wide array of threats, especially if employees are properly trained in recognizing behavior that identifies potential security risks.

“If this is done correctly, an organization can get to a person who is having personal issues or problems that if not addressed by a variety of social means may lead that individual to violence, theft or espionage before it even gets to that point,” said a senior Pentagon official, who requested anonymity because he wasn’t authorized to discuss the issue publicly.

Manning, for instance, reportedly was reprimanded for posting YouTube messages describing the interior of a classified intelligence facility where he worked. He also exhibited behavior that could have forewarned his superiors that he posed a security risk, officials said.

Jonathan Pollard, a former U.S. Navy intelligence analyst sentenced in 1987 to life in prison for spying for Israel, wasn't investigated even though he'd failed polygraph tests and lied to his supervisors. He was caught only after a co-worker saw him leave a top-secret facility with classified documents.

"If the folks who are watching within an organization for that insider threat – the lawyers, security officials and psychologists – can figure out that an individual is having money problems or decreased work performance and that person may be starting to come into the window of being an insider threat, superiors can then approach them and try to remove that stress before they become a threat to the organization," the Pentagon official said.

The program, however, gives agencies such wide latitude in crafting their responses to insider threats that someone deemed a risk in one agency could be characterized as harmless in another. Even inside an agency, one manager's disgruntled employee might become another's threat to national security.

Obama in November approved "minimum standards" giving departments and agencies **considerable leeway** in developing their insider threat programs, leading to a potential **hodgepodge of interpretations**. He instructed them to not only root out leakers but people who might be prone to "violent acts against the government or the nation" and "potential espionage."

The Pentagon established its own sweeping definition of an insider threat as an employee with a clearance who "wittingly or unwittingly" harms "national security interests" through "unauthorized disclosure, data modification, espionage, terrorism, or kinetic actions resulting in loss or degradation of resources or capabilities."

"An argument can be made that the rape of military personnel represents an insider threat. Nobody has a model of what this insider threat stuff is supposed to look like," said the senior Pentagon official, explaining that inside the Defense Department "there are a lot of chiefs with their **own agendas but no leadership**."

The Department of Education, meanwhile, informs employees that co-workers going through "certain life experiences . . . might turn a trusted user into an insider threat." Those experiences, the department says in a computer training manual, include "stress, divorce, financial problems" or "frustrations with co-workers or the organization."

An online tutorial titled "Treason 101" teaches Department of Agriculture and National Oceanic and Atmospheric Administration employees to recognize the psychological profile of spies.

A Defense Security Service online pamphlet lists a wide range of "reportable" suspicious behaviors, including working outside of normal duty hours. While conceding that not every behavior "represents a spy in our midst," the pamphlet adds that "every situation needs to be examined to determine whether our nation's secrets are at risk."

The Defense Department, traditionally a leading source of media leaks, is still setting up its program, but it has taken numerous steps. They include creating a unit that reviews news reports every day for leaks of classified defense information and implementing new training courses to teach employees how to

recognize security risks, including “high-risk” and “disruptive” behaviors among co-workers, according to Defense Department documents reviewed by McClatchy.

“It’s about people’s profiles, their approach to work, how they interact with management. Are they cheery? Are they looking at Salon.com or The Onion during their lunch break? This is about ‘The Stepford Wives,’” said a second senior Pentagon official, referring to online publications and a 1975 movie about robotically docile housewives. The official said he wanted to remain anonymous to avoid being punished for criticizing the program.

The emphasis on certain behaviors reminded Greenstein of her employee orientation with the CIA, when she was told to be suspicious of unhappy co-workers.

“If someone was having a bad day, the message was watch out for them,” she said.

Some federal agencies also are using the effort to protect a broader range of information. The Army orders its personnel to report unauthorized disclosures of unclassified information, including details concerning military facilities, activities and personnel.

The Peace Corps, which is in the midst of implementing its program, “takes very seriously the obligation to protect sensitive information,” said an email from a Peace Corps official who insisted on anonymity but gave no reason for doing so.

Granting wide discretion is dangerous, some experts and officials warned, when federal agencies are already prone to overreach in their efforts to control information flow.

The Bush administration allegedly tried to silence two former government climate change experts from speaking publicly on the dangers of global warming. More recently, the FDA justified the monitoring of the personal email of its scientists and doctors as a way to detect leaks of unclassified information.

But R. Scott Oswald, a Washington attorney of the Employment Law Group, called the Obama administration “a friend to whistleblowers,” saying it draws a distinction between legitimate whistleblowers who use internal systems to complain of wrongdoing vs. leakers, who illegally make classified information public.

There are numerous cases, however, of government workers who say they have been forced to go public because they’ve suffered retaliation after trying to complain about waste, fraud and abuse through internal channels or to Congress. Thomas Drake, a former senior NSA official, was indicted in 2010 under the Espionage Act after he disclosed millions of dollars in waste to a journalist. He’d tried for years to alert his superiors and Congress. The administration eventually dropped the charges against him.

The Pentagon, meanwhile, declined to answer how its insider threat program would accommodate a leak to the news media like the Pentagon Papers, a top-secret history of U.S. involvement in Vietnam that showed how successive administrations had misled the public and Congress on the war.

“The danger is that supervisors and managers will use the profiles for ‘Disgruntled Employees’ and ‘Insider Threats’ to go after legitimate whistleblowers,” said the second Pentagon official. “The executive order says you can’t offend the whistleblower laws. But all of the whistleblower laws are about retaliation. That doesn’t mean you can’t profile them before they’re retaliated against.”

AT: Iran Turn

Cooperation not sustainable

Milani 14 – Professor of Politics and the Executive Director of the Center for Strategic and Diplomatic Studies @ University of South Florida [Mohsen Milani, “This is What Détente Looks Like,” *Foreign Affairs*, August 27, 2014, pg. <http://tinyurl.com/os9l9t9>]

The cooperation between Tehran and Washington in Iraq has been productive so far, but it is also fragile. There are three factors that could easily derail it. The first is a dispute over the composition of the new Iraqi government. Iran recognized that Maliki had become too polarizing and authoritarian a figure, but that does not mean that it has otherwise revised its strategy that Iraq’s Shia community should dominate Iraqi politics, or changed its view that Sunni groups need to learn to accept Shia rule. As I wrote in an earlier article for *Foreign Affairs*, this is both a matter of principle (Shias comprise a comfortable majority of the Iraqi population) and pragmatism (Tehran believes that the Sunnis are less likely than the Shias and Kurds to be interested in building close ties with Iran).

Washington, by contrast, believes that Iraq’s Shia community should wield less power than it naturally would under strict proportionality according to population. In part, this may be because of pressure from Sunni governments in the region, including Saudi Arabia. But the United States also believes that some of Iraq’s Shia groups are more interested in acquiring a monopoly over national power than wielding power in a responsible fashion.

The second factor that could stall U.S.–Iranian cooperation is the prospect of an independent Kurdistan. Under Maliki, the relationship between Baghdad and the Kurdish regional capital of Erbil, became increasingly hostile. After the northern Iraqi city of Mosul fell to ISIS in June, the Kurds decided to seize the opportunity to make a bid for greater sovereignty. They quickly captured Kirkuk, a contested and energy-rich city in northern Iraq, and continued with their controversial policy to sell oil without Baghdad’s approval. They also stated their intention to hold a referendum on Kurdish independence.

All of these developments alarmed Tehran, which has generally maintained good relations with the Kurds, but has drawn a red line regarding Kurdish independence. The recent decision by Western countries to provide weapons directly to Kurdish militias has increased Tehran’s anxieties. Although Iran has developed close political and economic ties with Iraq’s Kurds and has even pledged to support them in their war against ISIS, Tehran also understands that independence for Iraqi Kurds could easily incite Iran’s own ethnic minorities to demand independence and undermine the country’s territorial integrity. Tehran is very aware of a recent precedent: After World War II, an independent government was fleetingly established in Mahabad, in Iranian Kurdistan, although the Soviet-backed movement was soon crushed by Iran’s central government. Iranian policymakers also know that, although the United States officially opposes Kurdish independence, the Kurds have powerful friends in Washington who seek to change that policy.

Finally, U.S.–Iranian cooperation can always falter because of the many constituencies in both countries that are ideologically opposed to any bilateral cooperation between the two states. In Washington, many blame Iran for encouraging sectarianism in Iraq, and correctly point out that Iran trained and funded the Shia militias that killed U.S. troops after the initial invasion of Iraq. They consider Iran to be the source of Iraq’s problems and sincerely, if unrealistically, seek to exclude it from any future security architecture of the country. For example, General James L. Jones, Obama’s former National Security

Advisor, recently proposed convening a U.S.-sponsored strategic conference about Iraq. All regional players are to be invited to the conference, except Iran.

Similarly, many members of the security forces in Tehran reject cooperation with the United States. They believe that Washington is the source of instability in Iraq; some even blame the United States for the existence of ISIS, based on the conspiratorial belief that the United States helped finance the group so that it would fight against the Tehran-backed Assad regime in Syria. For Iran's most devout Islamist ideologues, the United States can never be trusted beyond very short-term tactical cooperation.

Other issues will overwhelm terror cooperation

Mekhennet 14 [Souad Mekhennet, "ISIS is the best thing to happen to Iran-U.S. relations in years," *The Washington Post*, June 19, 2014, pg. <http://tinyurl.com/q3suo99>

It is, however, a fraught aspiration. For one thing, diplomats from both the West and Iran say they're nowhere close on a deal to halt Tehran's nuclear program; sanctions are not going away anytime soon. For another, Iran's support of Hezbollah makes it a state sponsor of terrorism in the eyes of Western nations. Then there's the government's ambiguous treatment of terrorists inside its own borders: High-ranking al-Qaeda officials like Saif al-Adel had been here for years under "house arrest," and officials have not worked to stop jihadists from Europe who cross Iran to join the fight against U.S. and NATO troops in Pakistan, according to U.S. and European intelligence sources.

Cooperating over Iraq isn't just a way to temporarily paper over those differences. (This strategy is already working: One conference participant from Europe who cannot be named, because of the terms of conference participation, even suggested, "Europe should start direct relationships with Iran, with or without a deal in the nuclear question.") It also allows Tehran to advance its interests in Baghdad: to reinforce Prime Minister Nuri al-Maliki's shaky regime at the expense of Sunnis.

Turn: US-Iran cooperation increases the popularity of ISIS. It sparks a Sunni-Shia tsunami

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In any case, too much cooperation between the United States and Iran could feed ISIS rhetoric that the West is supporting Shiites in an effort to destroy Sunnis. Washington must find a way to work with everyone in the region—especially the Arab League—without increasing the popularity of ISIS or sparking a Sunni-Shiite tsunami throughout the region, officials from around the world said here this week. That still leaves a seat for Iran at the table.

AT: Assad Tradeoff

ISIS is allied with Assad—key to defeating nationalist rebels

Washington Free Beacon 14 Citing: Frederic Hof, a resident senior fellow at the Atlantic Council. Wall Street Journal. “Partnering with Syria’s Assad Against ISIL Will Preserve His Rule,” August 27, 2014, <http://freebeacon.com/national-security/partnering-with-syrias-assad-against-isil-will-preserve-his-rule/>

Reports indicate that Assad helped facilitate the rise of the Islamic State of Iraq and the Levant (ISIL or ISIS), the jihadist group that now controls large swaths of Iraq and Syria and recently beheaded American journalist James Foley. The International Business Times reported over the weekend that U.S. intelligence agencies have provided Assad’s forces with information—using the German intelligence service as an intermediary—that would help them target ISIL leaders in airstrikes. Agence France Presse (AFP) then reported on Tuesday that the United States was offering intelligence to Syria through Iraqi and Russian agents. Foreign drones conducted surveillance over eastern Syria on Monday, according to a Syrian human rights group, while Syrian warplanes targeted ISIL in the same region on Tuesday. Both White House and State Department officials have vigorously denied the reports. “As a matter of U.S. policy, we have not recognized” Assad as the leader of Syria, White House Press Secretary Josh Earnest told reporters aboard Air Force One. “There are no plans to change that policy and there are no plans to coordinate with the Assad regime.” State Department spokeswoman Marie Harf also tweeted: “Claim in this story that US is sharing intel with the Assad regime is false.” While U.S. officials publicly deny that they are partnering with Assad against ISIL, some foreign policy experts are pushing the Obama administration to do so. The terrorist group has attracted thousands of foreign fighters who could return to Europe or the United States and launch attacks, U.S. intelligence officials say. Other experts warn that allying with Assad would preserve his grip on power despite the administration’s long-stated goal of urging him to step down. Frederic Hof, a resident senior fellow at the Atlantic Council and former adviser on Syria for the Obama administration, wrote recently that Assad appears to have formed a tacit alliance with ISIL to defeat more moderate rebels also battling his government. “By reportedly conducting airstrikes on ISIL positions in eastern Syria, the Assad regime is begging for readmission to polite society by attacking the very forces whose existence it has facilitated over the years,” Hof said. “Yet it is doing so in a selective way that preserves its de facto collaboration with ISIL in western Syria against the nationalist Syrian opposition.” The Free Syrian Army (FSA) rebels say their opposition movement is now on the verge of collapse as both Assad’s forces and ISIL militants converge on one of their last strongholds in the northwestern city of Aleppo. That appears to have been Assad’s strategy all along, according to a recent report by the Wall Street Journal. Syrian intelligence assisted militants in al Qaeda in Iraq (AQI)—the precursor to ISIL—with travel across the Syrian border into Iraq as long as they pledged to only attack U.S. troops during the Iraq War, according to the Journal. Assad’s regime also released several high-level terrorist detainees in May 2011 that would later lead to jihadist groups, including ISIL. Additionally, ISIL sold crude to Assad’s government as militants seized oil-rich provinces in northern and eastern Syria, according to a January report in the New York Times. Both Syrian forces and ISIL have also cooperated in the fight against nationalist rebels in Aleppo.

AT: Russia Relations Turn

Coop not inevitable

Legvold and Sotnichenko 14 Alexander Sotnichenko, Ph.D., is an associate professor at St. Petersburg State University's Department of International Relations, Robert Legvold, Professor Emeritus, Department of Political Science and the Harriman Institute, Columbia University, "Will the ISIS threat help to reset US-Russia anti-terrorism cooperation?" Aug 19, 2014, <http://www.russia-direct.org/debates/will-isis-threat-help-reset-us-russia-anti-terrorism-cooperation>

Robert Legvold, Professor Emeritus, Department of Political Science and the Harriman Institute, Columbia University The prospect that the U.S. and Russia might cooperate in countering the threat of ISIS, potentially a major menace to both of them, is complete fantasy, one further consequence of the new Russia-West Cold War. True, even before the Ukrainian crisis, the divide in U.S. and Russian approaches to the civil war in Syria created a major obstacle to U.S.-Russian cooperation in dealing with any aspect of the Syrian war, and ISIS is, in part, a product of that war. In any event, Russia is not central to either the principal theaters of the confrontation with ISIS or to the key actors engaged in the battle. The starting point is the regime in Baghdad. But here Russia is largely irrelevant to the course of events, while U.S. influence, although scarcely decisive, has a role to play. Russia also will have little effect on other portions of the battle ground. Kurdistan's peshmerga [a Kurdish nationalist guerrilla organization – editor's note], with U.S. air support, has had considerable success in liberating towns overrun by ISIS. Their further success will depend on military supplies from France, the United States and other Western countries, not Russia. In this instance, the efforts of Iran produces a more effective de facto, albeit uncoordinated, partnership with the United States than anything that might be imagined between Russia and the United States. Similarly Russia is largely irrelevant in determining whether the Sunni tribes fight, rather than collaborate with ISIS. That depends on events in Baghdad, and whether the Iraqi government provides incentives and then the wherewithal to enter the battle. This is not to say that Russia matters not at all in the larger struggle against ISIS or that the lost possibility of U.S.-Russian cooperation in containing groups like ISIS is any less tragic. Even if the military campaign against ISIS's forces in Iraq saves the country from this scourge, at best it will have squeezed these forces back into Syria. Dealing with ISIS in Syria will pose ugly choices for the United States - choices that would be far easier and more successful were the United States and Russia addressing the problem together. Similarly, while U.S.-Russian cooperation in dealing with the broader threat of catastrophic terrorism had weakened even before the Ukrainian crisis, if it now shatters completely as a consequence of the new Russia-West Cold War, the price either or both countries will pay down the road may be high, indeed. Alexander Sotnichenko, Ph.D., is an associate professor at St. Petersburg State University's Department of International Relations Although Dmitri Trenin has recently expressed his concerns over the decrease in Moscow-Washington anti-terrorism collaboration over the Ukrainian crisis, I would assume that the results of U.S.-Russia anti-terror collaboration that was launched after the 9/11 terror attack are highly exaggerated.

Intel-

They say can't solve for aircrafts-

The 1ac takes the stance- that we are taking the best potion- It would stop other alt causes- wont result in war- ITP will

They say we cant solve

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The second factor that could stall U.S.–Iranian cooperation is the prospect of an independent Kurdistan.

Under Maliki, the relationship between Baghdad and the Kurdish regional capital of Erbil, became increasingly hostile. After the northern Iraqi city of Mosul fell to ISIS in June, the Kurds decided to seize the opportunity to make a bid for greater sovereignty. They quickly captured Kirkuk, a contested and energy-rich city in northern Iraq, and continued with their controversial policy to sell oil without Baghdad’s approval. They also stated their intention to hold a referendum on Kurdish independence.

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They say: The returnee threat is low

Returnee threat High- the 1ac Byman 15 evidence says- The testified that over 20,000 foreign fighters from at least 90 countries had gone to Iraq and Syria. Prefer our evidence- Byman is a Director of research & Senior fellow in the Center for Middle East Policy

They Say: No Saudi-Iran war

Yes Saudi- Iran war- That's the Levitt 14 and Beauchamp 15 evidence from the 1ac- they do a pretty good job of

- A.) Explain internal regional stabilities in issues specifically in the Middle East
- B.) How these said proxies would lead to instabilities, and nuclear escalation

Tey say byman 15 doesn't say we stop terrorism- rottman 13 doesn-
we have to stop cases to look into terror

They say that common ground prevents war

**We need the aff to create a common ground, without the aff we would have that
that's the al samimi 14 evidence**

7. They say Iran is a model of internal instability-

We're working on things with Iran, also the middle east is a miscalculated place- the 1ac assumes this- doesn't change advantage

Group Think Advantage

2AC — Groupthink Advantage

Existence of ITP bad

Mere existence of the program discourages dissent — culminates in groupthink

Coleman-Adebayo 13 — Dr. Marsha Coleman-Adebayo, author of *No FEAR: A Whistleblowers Triumph over Corruption and Retaliation at the EPA*, she blew the whistle on a US multinational corporation that endangered vanadium mine workers and this lawsuit led to the introduction and passage of the first civil rights and whistleblower law of the 21st century: the Notification of Federal Employees Anti-discrimination and Retaliation Act of 2002 (No FEAR Act); she's also Director of Transparency and Accountability for the Green Shadow Cabinet, 2013 ("“Big Brother” Watching You...For A Long Time," *Popular Resistance: Daily Movement, News, and Resources*, August 3rd, Available online at <https://www.popularresistance.org/big-brother-watching-you-for-a-long-time/>, Accessed 7/27/15) JL

As reported last week in "Big Brother is Watching," President Barack Obama, signed Executive Order 13587 on October 7, 2011 entitled: Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information (Federal Register Vol. 76, No. 198 (10/13/11)). The president's decision to initiate the "Insider" program was triggered by revelations from Pvt. Bradley Manning, a US Army soldier who courageously exposed illegal US military attacks against civilians in Iraq and allegedly passed classified data to the website WikiLeaks. The program outlined in Executive Order 13587 is called the Insider Threat Program (ITP).

Now that the program has come to light, it has been condemned by both liberal and conservative news organizations because it has raised concerns about privacy, unethical governmental behavior and the unavoidable comparison with Nazi, East German and McCarthy era witch hunts that destroyed the lives and careers of thousands of people. In fact, following an investigative report by the McClatchy news organization, Fox News issued an article by Dough McKelway entitled: "“Insider Threat”? Program urging federal workers to tattle on each other raises concerns."

The publicity didn't seem to faze the White House. Press Secretary Jay Carney, when asked about specific provisions of the ITP that were raised by the McClatchy article, responded, "I confess I didn't see the story. I'll have to take the question."

"Obama is not the first head of state to enact an "insider threat" program."

Federal agencies are also refusing to answer questions about this secret program. For example, the Department of Education, responding to a request from McClatchy to answer questions about the implementation of the ITP replied, "The Department of Education will decline to comment on this particular inquiry." Alarms have sounded as media and human rights organizations learn more about this secret program and the possibility – or probability – of grand-scale abuse.

President Obama's "Insider" Executive Order is predicated upon a sordid and shameful history by his predecessors to root out political opponents, smash political opposition, and to quell voices of dissent. Unfortunately, Obama is not the first head of state to enact an "insider threat" program, but he is probably the first to state openly his commitment to transparency and much-needed protection for Federal whistle blowers.

In 1947, President Harry Truman signed Executive Order 9835 instituting a program of “loyalty reviews for federal employees.” The Order called for dismissal if there were “reasonable grounds...for belief that the person involved is disloyal to the Government of the United States.” Then FBI Director, J. Edgar Hoover designed the Truman loyalty-security program, marked by a lack of transparency and accountability, using it to successfully double the size of the FBI over a six-year period, from 3,559 personnel in 1946 to 7,029 in 1952. Under Hoover’s “Insider” program, victims of the “loyalty” program were kept in the dark and were not allowed to know the identity of their accusers or respond to accusations. Obama’s “Insider” program appears to be on the same trajectory as more Americans find themselves monitored, tracked and accused of being “Un-American” for exposing government corruption.

Thousands of government careers were destroyed under the Truman program, ultimately throwing families into economic and social crises because once a job was lost due to an unfavorable loyalty review, another job was almost impossible to find, making them unemployable. In the words of the Chairman of Truman’s Loyalty Review Board, “A man is ruined everywhere and forever,... No responsible employer would be likely to take a chance in giving him a job.”

“Under Hoover’s “Insider” program, victims of the “loyalty” program were kept in the dark and were not allowed to know the identity of their accusers or respond to accusations.”

Between 1951 to 1955, the FBI operated a secret “Responsibilities Program” that circulated unverified documents from FBI files claiming communist affiliations by teachers, lawyers, and others, trapping them in FBI sting operations so that they were fired without recourse. Under Truman’s program, federal employees accused of disloyalty were terminated without due process.

In 1953, President Dwight Eisenhower issued Executive Order 10450 that strengthened and extended Truman’s program. The Eisenhower program, similar to the Obama Executive Order, covered a wide range of characteristics deemed to imply personal vulnerability that could lead to “disloyalty” (see Big Brother is Watching – BAR, July 17, 2013). The Eisenhower Order determined that if a federal employee had any of the following characteristics they were unfit for government service:

“Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.”

Later, Hiram Bingham, Chairman of the Civil Service Commission Loyalty Review Board, when referring to the Eisenhower loyalty program lamented: [its] “just not the American way of doing things.”

In 1958 it was estimated that approximately one out of every five employees in the U.S. were forced to undergo a version of a loyalty review and loyalty reviews spread to state and local governments, embraced by a significant number of private industries.

As far back as 1942, the Department of Justice started compiling lists of organizations that it deemed disloyal and “subversive.” This list was first published in 1948 and at its height included over 154 organizations, with 110 of them identified as Communist. One of the most common causes for suspicion was membership in the Washington Bookshop Association, a left-leaning organization that offered lectures on literature, classical music concerts and discounts on books.

“Under Truman’s program, federal employees accused of disloyalty were terminated without due process.”

One of the hallmarks of the Nixon administration was secrecy and retaliation against perceived enemies.

In an article entitled: “Worse Than Nixon: Pentagon Papers Lawyer on Obama, Secrecy and Press Freedoms,” Glenn Greenwald writes:

“In 1971, when the New York Times decided to publish the Pentagon Papers leaked to it by Daniel Ellsberg, it knew it was triggering a major fight with the secrecy-obsessed Nixon administration. As expected, the Nixon administration sued the NYT in an attempt to ban it from publishing the documents, but the US Supreme Court, in a landmark decision for Freedom of the Press, ruled the prior restraint unconstitutional. James Goodale, the paper’s general counsel at the time, said that he counseled the paper to publish despite the more likely scenario that everyone feared was the fact that they could have gone to jail, and he subsequently became an outspoken defender of press freedoms.”

A new book by Goodale entitled, “Fighting for the Press” argues, according to the Columbia Journalism Review, that “Obama is worse for press freedom than former President Richard Nixon was.”

1priThe Obama Administration’s “Insider Threat Program” is a continuation of undemocratic and insidious machinations by a number of presidents to silence and compromise the legitimate rights of American citizens under the Constitution. The Administration’s abuse of the 1917 Espionage Act, prosecution of whistleblowers and critics of his administration, is meant to have a chilling effect on the media, public servants and citizens throughout the United States. Goodale argues that if the “Obama Administration indicts WikiLeaks founder Julian Assange for conspiracy to violate the Espionage Act, the president will have succeeded where Nixon failed by using the act to ‘end-run’ the First Amendment.”

The use of Executive Order to perpetrate a victimization of loyal and courageous citizens under the guise of fostering good government and protection has clearly circumvented the Legislative branch of government by the Executive. The “Insider Threat Program” operates in direct contradiction to the 2002 No FEAR Act, the first civil rights and whistleblower law of the 21st century. No FEAR was passed by Congress to encourage government employees to expose corruption and discrimination. The intent was that federal agencies be held accountable for whistleblower retaliation and civil rights violations.

We call upon citizens to demand that President Obama rescind the “Insider Threat Program” and break the generational curse of governmental interference in the careers and lives of people committed to protecting their community and this country against the abuse of power and the powerful.

Program only risks increasing hostility and deterring dissent

Higham 13 — Scott Higham, member of the investigations unit of The Washington Post. worked for the Allentown Morning Call, the Baltimore Sun and the Miami Herald, graduate of Stony Brook University and the Columbia University School of Journalism, 2014 (“Intelligence security initiatives have chilling effect on federal whistleblowers, critics say,” *Washington Post*, July 23rd, Available online at https://www.washingtonpost.com/world/national-security/intelligence-security-initiatives-have-chilling-effect-on-federal-whistleblowers-critics-say/2014/07/23/c9dfd794-0ea0-11e4-8341-b8072b1e7348_story.html, Accessed 7/27/15) JL

In early April, Sen. Charles E. Grassley summoned FBI officials to his Capitol Hill office. He said he wanted them to explain how a program designed to uncover internal security threats would at the same time protect whistleblowers who wanted to report wrongdoing within the bureau.

The meeting with two FBI officials, including the chief of the bureau's Insider Threat Program, ended almost as soon as it began. The officials said the FBI would protect whistleblowers by "registering" them. When Grassley's staff members asked them to elaborate, the FBI officials declined to answer any more questions and headed for the door.

"We're leaving," said J. Christopher McDonough, an FBI agent assigned to the bureau's congressional affairs office, said Senate staff members who attended the meeting.

The episode infuriated Grassley (Iowa), a leading advocate for whistleblowers in Congress and the ranking Republican on the Senate Judiciary Committee. Any effort to register whistleblowers, he said, would "clearly put a target on their backs."

The Insider Threat Program and a continuous monitoring initiative under consideration in the intelligence community were begun by the Obama administration after the leaks of classified information by former NSA contractor Edward Snowden and Army Pvt. Chelsea Manning, and the Navy Yard shootings by Aaron Alexis, who used his security clearance to gain access to the base.

The programs are designed to prevent leaks of classified information by monitoring government computers and employees' behavior.

Grassley said the episode with the FBI illustrates how federal agencies are setting up internal security programs without giving careful consideration to whether they could dissuade whistleblowers from coming forward.

"The Insider Threat Program has the potential for taking the legs out from underneath all of the whistleblower protections we have," Grassley said in a recent interview.

Greg Klein, the head of the FBI's Insider Threat Program, and McDonough, the congressional affairs agent, did not return calls seeking comment. An FBI spokesman said the bureau does not plan to register whistleblowers. He said there was a misunderstanding about the nature of the briefing with staff members for Grassley, Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) and a law enforcement official who is assigned to the Senate panel. The spokesman noted that the FBI has a whistleblower training program for employees and a whistleblower protection office.

"We recognize the importance of protecting the rights of whistleblowers," FBI spokesman Paul Bresson said.

Grassley is part of a growing chorus of lawmakers on Capitol Hill and attorneys for whistleblowers who warn that the Insider Threat Program and the potential intelligence community initiative threaten to undermine federal workers' ability to report wrongdoing without retaliation.

Together, the programs cover millions of federal workers and contractors at every government agency.

In February, Director of National Intelligence James R. Clapper Jr. testified before the Senate Armed Services Committee that a system was being considered to continuously monitor the behavior of employees with security clearances "on the job as well as off the job."

A senior intelligence official said a continuous monitoring program, mandated under the Intelligence Authorization Act and signed into law by President Obama on July 7, is being set up and initially will include federal employees who hold top-secret security clearances. The official said there are no plans to monitor employees after hours while they are using non-government computer systems.

"I think it's time to put up the caution light here," said Sen. Ron Wyden (D-Ore.), a member of the Senate Intelligence Committee.

While Wyden included a provision in the most recent Intelligence Authorization Act that would prohibit retaliation against whistleblowers, he said he remains concerned about the impact of the threat programs.

"This really has the potential for abuse, and I think it could have a chilling effect on the public's right to know and effective oversight of our government," Wyden said.

Dan Meyer, the head of the Intelligence Community Whistleblowing & Source Protection program, created last year as part of the Office of Intelligence Community Inspector General, said he is working to ensure that employees who want to report wrongdoing can do so anonymously and without reprisal.

"The critical thing is to maintain confidentiality," Meyer said. He said he is preparing training materials for intelligence officers and spreading the word that employees can come to him anonymously through third parties.

If an employee has verifiable information about wrongdoing, a presidential directive takes effect, providing employees with protection against retaliation.

"We are in the process of making a systematic, cultural change and getting everyone on board," Meyer said.

After Manning's disclosures to WikiLeaks four years ago, Obama signed Executive Order 13587, directing government agencies to assess how they handle classified information. On Nov. 28, 2010, the Office of the National Counterintelligence Executive issued a memo to senior government agency officials, advising them to identify insider threats.

The memo suggested using psychiatrists and sociologists to assess changes in employees' behavior.

"What metrics do you use to measure 'trustworthiness' without alienating employees?" the counterintelligence office asked the agency chiefs. "Do you use a psychiatrist or sociologist to measure: relative happiness as a means to gauge trustworthiness? Despondence and grumpiness as a means to gauge waning trustworthiness?"

"It will only increase hostility between the government and really serious federal employees who are trying to improve the system," said Lynne Bernabei, a partner at Bernabei & Wachtel in Washington who has been representing whistleblowers for nearly 30 years. "Turning the security apparatus against its own people is not going to work."

Whistleblower lawyers said they understand the need to protect classified information but think some of the new programs go too far.

“There are legitimate reasons for employers to be on the lookout for people who might be leaking classified information, but this will obviously have a chilling effect on employees who might want to blow the whistle,” said Jason Zuckerman, who served as the senior legal adviser to the U.S. Office of Special Counsel, the federal agency charged with protecting whistleblowers, and now represents whistleblowers nationwide.

Michael German, a former undercover FBI agent and whistleblower, called the Insider Threat Program a “dangerous” initiative.

“These agencies have long treated whistleblowers as security threats and this makes things even worse,” said German, now a senior national security fellow at the Brennan Center for Justice at New York University School of Law.

Mark S. Zaid, a lawyer who specializes in representing whistleblowers in the intelligence community and the military, said the administration is moving too quickly.

“They are using a very big net to catch a few small fish, and they are going to hurt a lot of good people in the process,” he said.

Lk – Fear and paranoia

ITP creates fear and paranoia

Resnikoff 13 — Ned Resnikoff, reporter at MSNBC, expert in Economy & Unions & Society, 2013 (“Obama’s ‘insider threat’ crackdown on leaks,” MSNBC, June 21st, available online at <http://www.msnbc.com/all-in/obamas-insider-threat-crackdown-leaks> , accessed 7/6/2015, J.L.)

Nearly two years later, the Insider Threat Program has gone far beyond an early warning system for potential leaks. It has instead become something far more aggressive, and far more sweeping. “The program could make it easier for the government to stifle the flow of unclassified and potentially vital information to the public, while creating toxic work environments poisoned by unfounded suspicions and spurious investigations of loyal Americans, according to these current and former officials and experts,” according to a new report from McClatchy’s Washington Bureau. “Some non-intelligence agencies already are urging employees to watch their co-workers for ‘indicators’ that include stress, divorce and financial problems.” Those non-intelligence agencies include the Department of Education, which cautions employees that “certain experiences,” such as “stress, divorce, [and] financial problems” could turn even a trusted co-worker “into an insider threat.” Broad parameters are left up to each agency’s interpretations of what constitutes as a threat. “It’s about people’s profiles, their approach to work, how they interact with management,” a senior Pentagon official told McClatchy. “Are they cheery? Are they looking at Salon.com or The Onion during their lunch break?” “If reading Salon.com is enough to make you a suspicious person, that feels like the ‘50s to me,” University of South Florida historian David Johnson told msnbc. Johnson is the author of The Lavender Scare, a history of Washington’s efforts to out any closeted homosexuals from the federal government during the Cold War. “Being Communist and being homosexual were seen as psychological problems,” said Johnson. “You were psychologically weak, so you were susceptible to either Communist indoctrination or homosexuality.” Similarly, the Insider Threat Program relies at least in part on behavioral profiles and attempts to ferret out anyone who appears disgruntled or is exhibiting odd behavior. “The divorce thing is a real odd one,” said Johnson. “It sounds familiar. If you’re psychologically weak, if you have personal problems, then this makes you susceptible to other bad stuff.” Rather than thwarting Wikileaks, such behavior may be playing right into its hands. Years before Wikileaks founder Julian Assange published the leaks which would make him internationally famous, he was writing about the potential of leaks to trigger hysteria in government officials. “The more secretive or unjust an organization is, the more leaks induce fear and paranoia in its leadership and planning coterie,” he wrote [PDF] in 2006. “The leak, in other words, is only the catalyst for the desired counter-overreaction,” wrote future New Inquiry editor-at-large Aaron Bady in 2010. “Wikileaks wants to provoke the conspiracy into turning off its own brain in response to the threat.” In addition to launching the Insider Threat Program, President Obama has prosecuted more alleged leakers than all other presidents in U.S. history combined. But the government’s response doesn’t even seem to have been particularly effective; two years after the launch Insider Threat Program, the NSA still failed to prevent Edward Snowden from leaking the details of PRISM.

Ilk – Flawed decisions

Group think culminates in flawed decision-making — Iraq proves

Badie 10 — Dina Badie, Assistant Professor of Politics and International Studies at Centre College KY and Ph.D. at the University of Connecticut, expert in international relations and security and American foreign policy in the Middle East and Asia, 2010 (“Groupthink, Iraq, and the War on Terror: Explaining US Policy Shift toward Iraq,” *Foreign Policy Analysis Journal* p.277-296, 2010, Available online at <http://onlinelibrary.wiley.com/doi/10.1111/j.1743-8594.2010.00113.x/pdf> , accessed 7/7/15, J.L.)

The decision to incorporate Iraq into the War on Terror was pathologically driven by groupthink in the post-9/11 environment, resulting in a flawed decision-making process and a shift in the administration's image of Iraq's dictator. Drawing on Gellman's conclusions, in tandem with other theoretical and atheoretical material, I position the decision in the context of pre- and post-9/11 ideas and strategies regarding Saddam Hussein. Ultimately, groupthink, spurred by 9/11, directed a shift in the administration's view: Saddam Hussein was no longer a just troubling dictator, he came to represent an existential threat to US security.

For Bush, Cheney, and the hawkish members of the administration, the internal limitation process came early. Immediately post-9/11, they accepted Bush's premise of broad retaliation and considered Saddam Hussein as a "new kind of threat" (see Gellman 2009 on Cheney's perception of Saddam Hussein). For others, namely Powell, internalization came later. Ultimately, it was through the groupthink process that hesitant members of the administration came to internalize the image of Saddam Hussein as a major security threat. Assessing the Iraq episode through the groupthink lens sheds light on the administration's incorporation of Iraq into the War on Terror through a flawed decision-making process, but also highlights groupthink's ability to shift ideas. Thus, the following analysis has implications for the theory of groupthink as well. The use of groupthink in foreign policy scholarship has typically followed Janis (1972) lead in attempting to account for flawed decision making in situations of immediate crisis, studied as what Kuperman (2006) calls "ad hoc episodes." Using groupthink in such cases provides insight into how dysfunctional group dynamics often result in a defective decision-making processes in the immediate term, such as the decision to remove Saddam Hussein from power. However, as the following study shows, groupthink can also be used to explain changes in long-term ideas that translate to foreign policy shifts. That is, it can explain how the administration came to see Saddam Hussein as an existential threat to American security that required a military invasion. Prior to September 11, 2001, the image of Saddam Hussein as an irrational actor on the world stage and a dangerous tyrant at home was not seriously questioned; however, Bush appointees who previously advocated regime change did not consider Saddam Hussein a grave danger to the US and did not seriously entertain the option of US military invasion. High-ranking and respected officials in previous administrations (many of whom served in the Bush Administration) had recommended containment, regime change from a distance, funding exiles, and economic sanctions to deal with Saddam's threat to Israel, concerns over oil security, weapons programs, and oppression of the Iraqi population. The inclusion of Iraq in the wider US War on Terror—and the decision to invade—marked a significant departure from previous policies recommended by a virtually identical group of voices in the US policy community. Groupthink, though typically not applied to understand ideational shifts, can in fact be used to understand and explain them. To advance this argument, this paper first reviews the concept of groupthink and the debate over its mechanism within the foreign policy academic community. It then demonstrates the presence of its

antecedents and symptoms in the months prior to the Us-led war. I argue that groupthink plagued the decision-making process in two ways. First, it served the classical task of tainting the decision-making process by pressuring conformity and diminishing serious evaluation of the policy. Second, the presence of groupthink resulted in incomplete and inaccurate assessments of Saddam's threat that became the guide for policy. Crucial to note is the previous administration's continuous defense of the policy based on the notion of "what we knew then." The information available in the months prior to March 2003 pointed to grave danger precisely because groupthink plagued the process. I argue that in the immediate aftermath of 9/11, the pathology led the administration to internalize flawed information, leading to shift in their assessment of Saddam's threat. Finally, the theoretical and empirical implications of this study are addressed. The Groupthink Model

Janis (1972) advanced the group dynamics approach as a conceptual model of political decision-making to explain why intelligent, experienced individuals sometimes produce defective policies in group environments. He coined the term groupthink—a deliberately Orwellian formulation—to describe a pathology that leads to "deterioration of mental efficiency, reality testing and moral judgment that results from in-group pressures" (Janis 1972:9). Equated with flawed concurrence-seeking behavior, groupthink compels individuals to self-censor or internalize the group's view. Janis concluded that the following eight symptoms provide observable markers of this behavior: (i) illusion of invulnerability; (ii) collective rationalization; (iii) belief in the group's inherent morality; (iv) secrecy typed view of the enemy; (v) direct pressure on dissenters; (vi) censorship; (vii) illusion of unanimity, and (viii) emergence of self-appointed "mindguards" (Janis 1972). Combined, these symptoms infect the decision-making process. Discernable characteristics of a flawed process include failures to survey objectives, alternatives and risks, resulting in a poor information search, information processing bias, and a lack of contingency planning (Janis 1972). Taken together, Janis finds that the presence of groupthink will "increase the likelihood of a poor outcome" (Janis 1972:12).

Janis's work on groupthink incited much interest and criticism. The original formulation failed to position groupthink within the socio-psychological literature, resulting in an incomplete explanation of its emergence and its mechanism. Longley and G Pruitt (1980) recognized this lack of determinacy. They argue that some of Janis's "symptoms" were in fact antecedents and that a causal link could not be established between groupthink and its preconditions. Longley and Pruitt recognized that groups eventually bring an end to the deliberative process in order to make a decision; a lack of deliberation does not in itself indicate the presence of groupthink. They instead argue that the timing of the end to deliberation depends on the nature of the decision, whether a major foreign policy or a routine task. Other critics of groupthink sought to offer alternative explanations to small group dynamics that extended "beyond groupthink." Hoyt and Garrison (1997) recognize that within the context of small groups, individuals can "manipulate" the decision-making process on several levels. Manipulation can take place in the traditional sense whereby individuals can alter procedural norms, but can also take the form of structural manipulation through deliberate inclusion and exclusion of individuals (1997:252). Additionally, individuals can manipulate the deliberative process through direct influence; the success of individual manipulation is determined by the individual's likeability, acceptance of his/her authority, perception of expertise, or recognition of the efficacy of the strategy (1997:258). As Hoyt and Garrison propose, the effects of manipulation may, in some cases, offer an alternative to groupthink.

The groupthink model can in fact accommodate varying individual motivations and levels of participation. In addition, personal influence over members paves the way for internalization of

information or policy prescriptions. That is, viewing a particular member as an expert or perceiving (or misperceiving) expertise can persuade individuals to accept a position, rather than resulting in simple acquiescence under pressure (as the original groupthink model contends). This analysis is compatible with McClauley's (1989) differentiation between groupthink induced compliance and internalization. While Hoyt and Garrison's alternative to groupthink can in fact be incorporated within the model, Stern's (1997) exploration of "newgroup syndrome" cannot. Stern argues that some cases traditionally viewed as classic cases of groupthink can more accurately be explained by newgroup syndrome. In particular, the Kennedy administration's Bay of Pigs fiasco came almost immediately after the group took office. Further, the group's ability to self-correct over time to engage in effective and deliberative policy-making during the Cuban Missile Crisis lends further credence to the newgroup hypothesis. This model may better explain the Kennedy administration's shortcomings *visa-vis* the Bay of Pigs, but the Bush administration's decision to incorporate Iraq into the War on Terror came after a series of other policy decisions at least a full year after taking office. Though members of the administration may have advocated the removal of Saddam Hussein in the months and years prior to 9/11. Establishing a link between Iraq and terrorism (the pretext for absorbing Iraq into the post-9/11 mission) came much later. Unlike Longley and Pruitt, who critique groupthink's mechanism on its own terms, Hoyt and Garrison and Stern attempt to provide alternative explanations for poor decisions produced by small groups. These subsequent attempts came partly as a reaction to the charge that, in some cases, scholars retroactively apply groupthink to any foreign policy fiasco. While this charge, along with specific critiques of groupthink, does force caution when utilizing the pathology as an explanatory mechanism, groupthink still exists as a useful tool when carefully applied,

Hart's (1990) revision of the groupthink model provides a broader socio-psychological context that allows scholars to employ the framework while remaining cognizant of its shortcomings. He argues that several pathways can lead to the same pathology-determined by structural and individual circumstance. Instead of assuming a single pathway to groupthink (as Janis does), t'Hart identifies differing mechanisms, two of which are employed in this analysis. First, (mirroring Janis's original formulation), stress-induced cohesiveness can lead to groupthink when members view the group as a "viable protective mechanism" (124). Alternatively, groupthink can result from anticipatory compliance, whereby members search for strong leadership in the event of stress, a lack of procedural norms, or when a formal leader does not assume control. Hart additionally recognizes that group members display different degrees of leadership that affect the type of influence exerted on individual members. Differentiating between "official" and "de facto" leaders, he notes that leadership can derive from position or function,' respectively (Hart). Unlike Janis's model that solely focuses on peer pressure that condition compliance, Hart identifies two types of pressure that can appear in a decision-making process: horizontal influence, which "arises from collegial... pressure." and vertical influence, which "arises as a result of specific slams differences within the group" (t'Hart 1990:49). Finally, positioning groupthink within realistic conflict theory illustrates that tension between groups is difficult to overcome. t'Hart suggests that intergroup conflict contributes to the intensification of groupthink by increasing group cohesiveness.

In addition, to t'Hart's intergroup conflict, scholars have identified several preconditions that induce groupthink. Scholars have revised and added to Janis' list to include cohesiveness, homogeneity, insulation, close-mindedness, high stress, recent failure, promotional leadership, lack of methodical procedures, overestimation of the group and deindividuation as possible antecedents to groupthink

(Janis 1972; Raven 1974; Flowers 1977; Tetlock 1979; Smith 1985; McCauley 1989; t'Hart 1990; Tetlock et al. 1992; Schafer and Crichlow 1996). One or more of several preconditions may be present, though causes of the pathology remain contested. Generally speaking, most agree that stress is a necessary, but insufficient condition-limiting the application of groupthink to major policy-making episodes rather than routine decisions. Consistent with the literature on groupthink, I argue that stress was an essential precondition to groupthink's emergence, in combination with promotional leadership, and intergroup conflict; however, not all members of the administration fell prey to groupthink in the same way. I use t'Hart's pathways to explain how different members of the group fell prey to the pathology given the presence of the foregoing conditions. Their paths differed based on pre-existing tensions (between hawks and skeptics) within the group that reappeared after 9/ 1 1-a fact discussed extensively by Mann (2004) and others. Applying t'Hart's discussion of intergroup conflict in combination with differentiated pathways allows for varying motivations within the group. Once the antecedents came into play and members followed different pathways to groupthink, Janis's original symptoms are used to identify the presence of the pathology in the decision-making process. The symptoms are divided between those that pressure conformity (illusion of unanimity, direct pressure on dissenters, mindguarding, and self-censorship) and those that lead to policy evaluation failures (collective rationalization, illusion of invulnerability, belief in inherent morality, and stereotyped view of enemy outgroups). By dividing the group between "hawks" and "skeptics" another dimension of groupthink emerges. In particular, Hoyt and Garrison's discussion of the potential for small group annihilation by promotional leaders can explain the potential for internalization of ideas and practices. Although they present the model as an alternative to Janis's original formulation, it finds salience within the groupthink framework when the group is divided.

Applying groupthink in this way reveals the importance of 9/11 as a cause of-rather than a pretext to the decision to incorporate Iraq into the War on Terror. Empirically, I argue that the stress associated with producing policy after 9/ 11 exacerbated pre-existing fractures within the group between the hawks- which included Rumsfeld, Wolfowitz, Cheney, Perle, Feith, and the President - and the skeptics who were less passionate about regime change in Iraq-Powell, Tenet, and Armitage. The hawks considered the group a "viable protective mechanism" as they were surrounded by fellow neoconservatives who had all previously advocated regime change, while other members of the group fell prey via anticipatory compliance and a search for leadership. Because the hawkish faction produced the official and de facto leaders, their influence on the latter group resulted in the internalization of information and policy through the groupthink process (as this latter group searched for leadership). This was particularly notable in Powell's case. Ultimately, the hawks experienced horizontal pressures associated with traditional groupthink, while other members of the administration experienced vertical pressures from the newly emergent hawkish leaders.

Impact – Iran

Groupthink risks US-Iran war.

Goldberg 13 – Masters in International Relations from Johns Hopkins-SAIS [Bennet Goldberg, “U.S. Policy Toward Iran is Groupthink,” Policy Mic, February 24, 2013, pg. <http://tinyurl.com/p4xnrfx>

One of the most interesting foreign policy books I ever read is called Victims of Groupthink, by Irving Janis. Written over 40 years ago, the book analyzes the dangerous consequences of foreign policy decisions channeled by top decision makers who were more or less psychologically constrained to view complex issues in a monolithic way. There have been many examples of this, both as outlined in the book itself, and subsequently as well (see: decision to invade Iraq). Perhaps the most dominant and dangerous groupthink-like issue confronting us today is America's policy toward Iran in general, and its policy toward Iran becoming the world's tenth nuclear arms power, in particular.

Three "groupthink assumptions" dominate U.S. policy toward Iran: 1) Iran is an irrational player in the international system and thus there is little or no point in entering into meaningful, unconditional negotiations with its leadership, much less establishing any form of diplomatic relations, 2) as a so-called "terrorist state" Iran would likely either use nuclear weapons (most probably against Israel) or surreptitiously provide them to an organized terrorist force (most likely Hezbollah), and 3) once Iran is truly on the brink of having a nuclear weapons capability the U.S. must — and will — resort to military action against Iran, either alone or in conjunction with Israel, and thus "containment" is not an option. Obviously all of these assumptions are related, though each of them individually and all of them collectively are questionable enough for the policy as a whole to deserve the "groupthink" label. To be fair, there are three or four well known members of the foreign policy elite dedicated to fighting the groupthink consensus on U.S. foreign policy toward Iran, most notably Columbia University professor Robert Jervis, one of the most highly respected international relations experts of the past half century, but they are truly the exceptions that prove the rule.

The first of these assumptions, that it is pointless to have any meaningful dialog with the Iranian leadership, has been a bedrock of the groupthink policy since 1979, when the U.S. embassy in Iran was overrun by zealots of the then new Iranian Islamist regime. Over 300 Americans were kept hostage for well over a year. It should be duly noted that not one American was killed during that whole incident. One would think that American policy makers could get over that after 33 years, both in terms of defining the lingering egregiousness of the incident itself, as well the severity of its impact. After all, U.S. policy was able to deal with infinitely more deadly, dramatic, and impactful Soviet transgressions throughout the Cold War period. Yet the U.S. maintained full diplomatic relations and conducted high level summits with the Soviets for the entire length of the Cold War. As far as the irrationality of the Iranian mindset is concerned, perhaps nobody has questioned that assumption more starkly than Fareed Zakaria himself, when he has repeatedly pointed out that while we have seen terrorist suicide bombings from Islamists of practically every Middle Eastern nationality, the ONE nationality that has never produced a known suicide bomber is the Iranian one.

The second assumption, that Iran would likely use its nuclear weapons, either directly or through a terrorist proxy such as Hezbollah, stretches credulity by more than a little. Although seen as a dangerously hostile power, Iran has not engaged in an offensive war during the entire 33 years that the

Islamist government has been in power. Yes, Iran did fight a defensive war against Saddam Hussein's Iraq, and yes, it shamefully supplied IUDs to its Shiite militia allies in Iraq during the recent Iraq War, and Ahmadinejad often sounds like a raving lunatic when rattling his saber against Israel. But let's remember that Soviet premier Krushchev yelled "we will bury you!" at America in most dramatic fashion at the United Nations, and that Soviet weaponry killed countless Americans in Korea, Vietnam, and elsewhere. Yet, did the U.S. ever suspend diplomatic relations with the Soviet Union? Were their actions ever deemed to be irrational? Enough said.

The final groupthink assumption of U.S. policy toward Iran, i.e. that "containment" is not an option is the most fanciful one of all, perhaps even approaching "emperor's new clothes" levels. By strengthening its security agreements and/or alliances with Israel, Turkey, and the moderate Arab Gulf nations, the U.S. could readily prevent the much-hyped, but not well thought through, "given" that nuclear proliferation would become endemic throughout the Middle East, as well as the notion that such nuclear weapons would then be supplied to and used by Hezbollah, or perhaps even Hamas.

Those making the latter argument in particular don't seem to have a good grasp of the actual impact of a thermonuclear explosion. While this point probably merits a separate analysis, suffice it to say that ANY nuclear explosion in the geographic region of Israel, Lebanon, or Jordan would wreak catastrophic radioactive effects on the peoples across those countries' borders, not to mention that it would trigger a mutually assured response. Surely, my questioning of the assumptions underlying U.S. policy toward Iran is open to fair debate, but the fact remains that the existing holes governing that policy are so wide that they can only expose U.S. policy makers for what they are on this issue: victims of groupthink.

Empirics Prove

Groupthink affects policymaking — Vietnam proves

Bacevich 14 — Andrew J. Bacevich, 2014 (“‘Do something’ groupthink took fateful toll,” *The Boston Globe*, August 3rd, Available online at <https://www.bostonglobe.com/opinion/2014/08/03/something-groupthink-took-fateful-toll/5HalPdN7wiDrUWJjaDRRUN/story.html#>, Accessed 7/16/15) JL

The further the Vietnam War recedes into the past, the more preposterous it becomes. How could Americans have allowed President Lyndon Johnson to drag the United States into such a needless and futile struggle? Sending hundreds of thousands of US troops to fight in Southeast Asia turned out to be a monumental blunder. Was there no one in a position of influence or authority who could see that at the time? Where were the voices of sanity and reason?

Fifty years ago this month, in August 1964, Johnson offered the sane and reasonable a chance to make their case. What followed was a stupefying demonstration of groupthink. The guardians of conventional wisdom in the United States — its leading public officials and its major news outlets — all but automatically accepted the premise that the United States could, and should, determine the course of events in faraway Vietnam.

Citing alleged North Vietnamese attacks on US warships on Aug. 2 and 4, the president had requested congressional authorization “to take all necessary steps, including the use of armed force” to defend our South Vietnamese ally and thereby “prevent further aggression.” Unpack the language and Johnson was in effect asking Congress to declare war.

In what became known as the Tonkin Gulf Resolution, the Congress promptly complied. In the House of Representatives, the vote was 416-0. In the Senate, it was 88 to 2, with Alaska’s Ernest Gruening and Oregon’s Wayne Morse, both of the president’s own party, the sole dissenters. Some of those voting aye had their doubts, but these they duly suppressed. As Senator George Aiken, Republican of Vermont, put it, “As a citizen, I feel I must support our president whether his decision is right or wrong.” This was especially true when it came to standing up to communism.

The nation’s leading newspapers concurred with Aiken. The Tonkin Gulf Resolution found great favor with the *Washington Post*, which complimented legislators for “responding with commendable promptness and an almost unanimous voice.” Notwithstanding, “the reckless and querulous dissent of Senator Morse,” the overall effect was “to demonstrate before the world the unity of the American people in resisting Communist aggression.”

The *Boston Globe* likewise framed the issue in terms of justifiable defense. “Like a blackmailer, an aggressor will keep seeking more if he finds his crime brings benefits,” a *Globe* editorial observed. “Only when aggression is challenged can it be leashed, and, in future, deterred.” As the *Globe* saw it, ever since World War II the United States had been “painfully trying to indoctrinate the world with these elementary facts.” The Tonkin Gulf Resolution reaffirmed this ongoing American effort to educate the obdurate.

The *New York Times* shared this assessment. According to a *Times* editorial, President Johnson had “demonstrated his own capacity for toughness. And the Communists have been left in no doubt about

American determination.” Toughness and determination, the Times believed, positioned the United States to bring peace to Vietnam.

Given the horrors that ensued, how can we explain this misplaced docility? On the Senate floor, Morse declared — accurately — that “we have been making covert war in Southeast Asia for some time instead of seeking to keep the peace.” Yet most members of Congress and newspaper editorial boards alike accepted at face value the Johnson administration’s version of what had happened in the Tonkin Gulf.

Similarly, they lazily concurred in the reflexive tendency to see events in Vietnam as the product of a monolithic Communist conspiracy. In fact, the monolith — if it ever existed — had already succumbed to the Sino-Soviet dispute. Yet acknowledging the existence of that dispute would have made it necessary to rethink the entire Cold War.

It takes gumption to question truths that everyone “knows” to be true. In the summer of 1964, gumption was in short supply. As a direct consequence, 58,000 Americans died, along with a vastly larger number of Vietnamese, Cambodians, and Laotians.

After 9/11, similar mistakes — deference to the official line and to the conventional wisdom (“terrorism” standing in for communism) — recurred, this time with even less justification. The misbegotten Iraq war was one result. Yet even today, events in Syria, Ukraine, and elsewhere elicit an urge to “do something,” accompanied by the conviction that unless troops are moving or bombs dropping the United States is somehow evading its assigned responsibilities. The question must be asked: Are Americans incapable of learning?

Workplace Cohesion

Groupthink suppresses innovation in encouraging conformity

Blank N.D. — Chris Blank, independent writer and research consultant, Master of Arts in sociology and a Juris Doctor, ND (“How Can Groupthink Affect an Organization,” Houston Chronicle, Available online at <http://smallbusiness.chron.com/can-groupthink-affect-organization-26044.html> , accessed 7/14/15)

Definition of Groupthink — Groupthink strives toward achieving consensus within groups by minimizing conflict. In an environment of groupthink, minimizing conflict becomes the primary goal rather than producing concrete results or achieving true consensus. Groupthink often results when a company becomes ingrained in its thinking. In such cases, drastic measures are necessary to break the grip of groupthink. For instance, Philips hired consultants from fields ranging from fashion to architecture to guide its transition from a high-tech electronic company to a technology company that manufactures lifestyle products for consumers.

Suppression of Innovation — Groupthink suppresses individual thought, and innovation is often a casualty. As a result, organizations often fail to see or respond to developing market trends or adopt emerging technologies. A larger danger of groupthink occurs with companies that are dealing with stressful internal or external conditions or have faced failure in the past, especially as the result of deviating from standard procedure. Organizations with a homogeneous work force are also more subject to groupthink than companies that embrace multiculturalism, a balance between men and women, and a range of age groups.

Incomplete Analysis — Because groupthink often pressures dissenters to toe the line in conforming to majority opinion, important aspects of a situation are often left unquestioned, sometimes with disastrous results. Janis describes the ill-fated Bay of Pigs invasion, the Watergate break-in and subsequent coverup, and the overlooking of design flaws in the space shuttle that led to the Challenger disaster as examples of the effects of unrestrained groupthink. In both cases, a small, isolated group involved in a critical decision-making process ignored clear signals of the ill-advised nature of the plan in question.

EPA Add-On

Obama's green team susceptible to groupthink

Koncelik 8 — Joe Koncelik, Tucker Ellis LLP attorney specializing in Environmental Law & Climate Change & Energy, held positions of director, Assistant director, and Chief legal counsel at Ohio EPA, and Leadership in Energy and Environmental Design acquitted professional, 2008 ("Group Think on Obama's Environment and Climate Team," Ohio Environmental Law, December 15th, available online at <http://www.ohioenvironmentallawblog.com/2008/12/articles/air/group-think-on-obamas-environment-and-climate-team/>, accessed 7/14/15) JL

President Elect Obama has prided himself on appointing a mix of opinions in his cabinet and senior advisors. For example, his National Security team is made up a former political rival and a Republican from the Bush Administration. Obama has said he studied history and identified a possible issue in past presidencies is not fostering a diverse mix of opinions to debate policy. Here is what the President Elect said after making his National Security appointments:

"One of the dangers in a White House, based on my reading of history, is that you get wrapped up in groupthink, and everybody agrees with everything, and there's no discussion and there are not dissenting views," Obama said, voicing a frequent criticism by some senior Bush-administration alumni.

"So I'm going to be welcoming a vigorous debate inside the White House. But I understand, I will be setting policy as president.

The diversity that was plainly evident in his National Security team seems to be missing on his Green Team. Carol Browner as Climate Czar and past senior managers at EPA will fill the other important environmental posts. The announced appointments have met with a mix of reviews. The USA Today praised the choice in an article title "Obama's Dream Green Team is Warmly Received."

One is a Nobel Prize winner overseeing research of alternative energy. The three others all have one thing in common: experience working for the Environmental Protection Agency...

"This is clearly a green dream team," said Gene Karpinski, head of the League of Conservation Voters, an environmental group. "These people have shown they can get the job done."

Obama has mustered an "impressive team of experienced and capable leaders," said Tom Kuhn, president of the Edison Electric Institute, a group representing electric companies.

As an opposing view, the Wall Street Journal blasted the environmental appointments in an editorial:

The EPA long ago became the government arm of the environment lobby, but Ms. Browner was especially political. During her EPA salad days, she put out air-pollution standards that even the agency itself said would have no measurable impact on public health, purely as antibusiness punishment. She forced GE to dredge the Hudson River of PCBs that posed no threat to the public. Ms. Browner also rewrote a law called New Source Review so that power plants, refineries and other industries were always breaking the particulate emissions rules....

As for the "team of rivals" hype, the rest of Mr. Obama's energy list is heavy with Ms. Browner's acolytes. Lisa Jackson, for 16 years a top EPA enforcement officer, will now run that agency. At the

White House Council on Environmental Quality will be Nancy Sutley, who was Ms. Browner's special assistant at EPA.

The [Washington Post](#) noted the commonality in the appointments in their piece covering the appointments titled "Seasoned Regulators to Lead Obama Environment Program." :

Word of their appointment was greeted enthusiastically yesterday by some environmental groups. The League of Conservation Voters called the group a "green dream team."

Industry groups were more cautious. At the [U.S. Chamber of Commerce](#), Vice President William Kovacs said the group [worried that the new officials would use their power to limit greenhouse-gas emissions and impose painful new costs on energy use.](#)

"I think that they could be aggressive, and we're hoping that they're really going to look at the circumstances" of the economic downturn, Kovacs said. "That is our biggest single concern, because literally all three of them have a regulatory bent."

Regardless of your opinions of any of appointments as individuals, [it is hard to see a wide divergence of opinion emerging.](#) While there is no doubt seasoned veterans are needed to develop and implement a game changer like climate change legislation, I agree with the President elect...[a diversity of opinion is a valuable asset that can improve decision making.](#)

Consensus driven policies affect the EPA

Orts & Deketelaere 1 — Eric W. Orts, Guardsmark Professor and Professor of Legal Studies and Business Ethics and Management at Wharton University of Pennsylvania, Director at the Initiative for Global Environmental Leadership and Kurt Deketelaere, Secretary-General of the League of European Research Universities, 2001 ("2.3 Improved Policy," Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe, 2001, Available online at <http://tinyurl.com/oetmtfs> , accessed 7/14/15) JL

Empirical evidence to sustain the claim that consensus-based processes yield systematically better policies has yet to emerge.³¹ Moreover, as I discuss in Part 3 of this chapter, several pathologies can afflict consensus-based processes which will lead to inferior policy results. The existence of these pathologies alone provides reason to doubt whether consensus-based processes will tend to lead to better policies. Yet there are still other reasons to question whether structuring a dialogue around a quest for consensus will yield full disclosure and debate of policy issues. The fact that the group is charged with the task of achieving a consensus may actually inhibit some participants from raising important issues which seem at the time likely to hinder consensus-building. In his study of groupthink in government, Paul Hart writes that when policy decisions are based on consensus some participants "may refrain from voicing their concerns, either by self-discipline and a desire not to shatter group harmony (suppression of doubts) or following direct hints by the leader (compliance) or by fellow group members (mindguards; peer pressure). When consensus is no longer required, ³² group discussion can be more open. In regulatory negotiations, such inhibition does occur. In one case, for example, an EPA official told me that he knew industry was overlooking an entire category of equipment in setting consensus-based standards for equipment leaks, but that he never said a word about it during the

negotiations. In another illustrative case, a citizen member of the Intel Project XL negotiation group reportedly signed the final agreement, but only reluctantly after "feeling pressure from all sides."³³ Often what decision-makers need is conflict to illuminate policy issues most fully. The full articulation of opposing views may provide more useful information on which to construct public policy than the truncated discussion that can develop when individuals feel pressured to achieve consensus. Nevertheless, even if it could somehow be shown that consensus-building processes do yield better, more informed decisions, the question remains whether this benefit derives from, or depends on, consensus itself. On its face, it is the deliberation—not the consensus—which advocates claim yields the additional information needed to craft better policy decisions.

Groupthink leads to EPA decision failures — carbon emissions standards

O’Keefe 13 — William O’Keefe, Chief Executive Officer of the Marshall Institute and Chief Administrative Officer of the Center for Naval Analyses, previously held positions on the Board of Directors of the Kennedy Institute, the U.S. Energy Association, the Competitive Enterprise Institute and the Global Climate Coalition, 2013 (“Quit Digging,” George C. Marshall Institute: Science for Better Policy, December 26th, available online at <http://marshall.org/energy-policy/quit-digging/> , accessed 7/14/15) JL

It is no secret that the Obama Administration has a war against coal and is using the boom in natural gas to pursue it. EPA has issued new performance standards that impose a 1,100 pound limit per megawatt hour on carbon emissions. The problem with this standard is that the most modern coal fired plant emits at least 1800 pounds. Since there is no know technology for limiting emissions to the new limit during combustion, utilities will have to remove carbon before it is released into the air. The only way to do that is to employ experimental carbon capture and storage technology which has not yet been demonstrated to work on the scale required by utilities or to be commercially viable.

That fact creates a problem for EPA because the Clean Air Act requires that EPA demonstrate that required technology be “adequately demonstrated” on a commercial scale and at a reasonable cost. According to the Journal, EPA achieved an impossible act by falsifying the literature and experience of carbon capture and storage.

How did the agency do this? By using bureaucratic legalese and contortions with the plain meaning of the english language as well some form of social intimidation to obtain support for its rule. Some forms of group action and pressure used to achieve cohesion produce what Irving Janis termed Group Think and Group which leads to bad decisions.

A sub-committee of the EPA’s Science Advisory Board (SAB) had doubts about the technical feasibility of carbon capture and storage and observed that EPA’s justification was speculative studies and models from DOE showing that sequestration works. EPA assured the sub-committee that the DOE studies had been carefully reviewed by “industry experts, academic and government research, and regulatory agencies.” Upon further inquiry, it turned out that the peer review was conducted by the EPA staff. That hardly meets the accepted standard for peer review.

None the less, when the full SAB met, it retreated and “tabled a vote on the working group’s recommendations.” That is where Group Think comes into play. According to Janis, Group Think is “concurrency-seeking as a form of striving for mutual support based on a powerful motivation in all group member to cope with the external or internal stresses of decision making.” Conformity, which means stifling dissent, is achieved by playing to the desire to be accepted and to avoid group sanctions for not conforming to a group’s desires. Remaining part of a prestigious group like the Science Advisory Board can lead to intellectual surrender and in the case of the 1,100 pound limit probably did.

The fact that the Wall Street Journal has blown the whistle on EPA may lead others to put EPA justifications for other ideological decisions it has made to constrain the use of fossil fuel under a microscope and expose them to disinfectant of sunlight.

Unfortunately, this example of putting ideology ahead of the law is just one more justification for growing public distrust of its government. Distrust, cynicism, and loss of credibility, if not reversed, will have even more corrosive effects on our system of government.

Faulty EPA decisions are expensive and dangerous — hurt the environment, undercut confidence in government agencies

Kovacs 5 — William L. Kovacs, vice president of the U.S. Chamber of Commerce's Environment, Technology, and Regulatory Affairs Division, 2005 (“Bad Data in EPA Databases Result in Bad Policy,” Heartlander, November 1st, available online at <http://news.heartland.org/newspaper-article/2005/11/01/bad-data-epa-databases-result-bad-policy> , accessed 7/14/15) JL

For more than three decades, the Environmental Protection Agency (EPA) has forced the U.S. business community to spend tens of billions of dollars unnecessarily in addressing what may be phantom risks. These “risks” are generated when faulty EPA databases are used in making decisions regarding such things as how to clean up Superfund sites, prepare risk assessments, determine which chemicals can be put in communities, clean up PCB in river sediments, deal with MTBE in groundwater, and resolve natural resource damage claims.

Database Trumps Truth — The root cause of the problem is regulatory decision-making driven by risk assessments based on faulty physical chemical property data disseminated by EPA. The problem arises when someone, often an EPA staffer, assigns an incorrect value or more than one value to the same property of a chemical listed in various databases. The chemical property value used in policy development is thus determined by whatever database is consulted, not by the chemical's correct value.

This situation benefits nobody. Having to spend more money than is truly needed to address an environmental problem leaves less money available to address other significant issues, such as health care or pensions, or even the identification of more serious health and safety issues. That is a poor way to ensure environmental protection. Mandating the use of data that are of poor quality also undercuts confidence in government agencies.

Moreover, while it is difficult to imagine that anyone, in government or business, would continue to use poor-quality data once informed of a problem, EPA has so far failed to address this matter even though it has been directly brought to its attention, including the identification of specific chemical inconsistencies in its databases.

Scientists Seek Improvement — The U.S. Chamber of Commerce is leading an effort to raise awareness of the problem and seek its correction.

The physical chemical data at issue are resident in databases and/or generated by models disseminated by EPA. Much of the data are faulty and, in some instances, egregiously so.

The problem was first reported by scientists at the U.S. Geological Survey (USGS), an arm of the U.S. Department of the Interior. Their analysis of physical chemical property data for the pesticide DDT and its metabolite DDE revealed the data are so bad they cannot be used to assess how these chemicals distribute in the environment. The USGS scientists attributed the data problem to EPA's failure to critically assess and assure data reliability.

Subsequently, a scientist at Eastman Kodak evaluated thousands of physical chemical property data entries for many chemicals identified in databases and models disseminated by EPA. That evaluation revealed much of the disseminated data are unreliable. There are inconsistencies among the databases and models and the individual data entries are of uncertain quality. (See "Addressing Data Conundrums," this page.)

The U.S. Chamber noted all these findings and verified them through Cambridge Environmental, a company that has strong expertise in performing such data evaluations. Having confirmed the problem is real, the U.S. Chamber on May 26, 2004 filed with EPA a Data Quality Act (DQA) Request for Correction of the faulty data. The DQA provides a mechanism for stakeholders to submit requests for correction of faulty data disseminated by federal government agencies.

EPA Slow in Responding — On January 12, 2005, in response to the U.S. Chamber's data correction request, EPA largely dismissed the group's concerns, asserting, for example, that it had transferred the copyright for the data, or that it placed a disclaimer on the data, or that it is up to the user, not EPA, to verify the correctness of data the government mandates using when performing a risk assessment.

On April 11, 2005, the U.S. Chamber responded by filing a request with EPA for reconsideration of its correction request, asking EPA to assemble an intergovernmental task force of federal agencies to address the issue. Many federal agencies rely on the disseminated data in establishing their chemical management policy positions. EPA's response was due on July 15, 2005, but it has since requested several extensions.

In the interim, scientists at the Swiss Federal Institute of Environmental Science and Technology and the Swiss Federal Institute of Technology--two highly respected science organizations--have submitted third-party communications to EPA in support of the U.S. Chamber's contentions that EPA is disseminating faulty data.

Whether EPA will adequately address the data quality issues raised by the U.S. Chamber and others remains to be seen. The U.S. Chamber contends that by working together, federal agencies might reach

agreement on measures that can be undertaken to harmonize and improve the reliability of data used for regulatory purposes.

Improvement of the disseminated data could save business and industry many hundreds of millions and possibly billions of dollars in complying with environmental protection requirements. Using good quality data will also enhance EPA's reputation. Properly addressing health and safety issues requires the highest-quality data.

North Korea Add-On

US blames North Korea for cyber-attacks — blame is ungrounded and influenced by groupthink

Zetter 14 — Kim Zetter, senior staff reporter at Wired covering cybercrime, privacy, and security, 2014 (“Experts Are Still Divided on Whether North Korea Is Behind Sony Attack,” *Wired*, December 23rd, Available online at <http://www.wired.com/2014/12/sony-north-korea-hack-experts-disagree/>, Accessed 7/16/15) JL

THE FBI ANNOUNCEMENT last week that it had uncovered evidence in the Sony hack pointing to North Korea appears to have settled the issue for a lot of people—in Washington, DC.

“As a result of our investigation,” the FBI announced, “and in close collaboration with other U.S. government departments and agencies, the FBI now has enough information to conclude that the North Korean government is responsible for these actions.”

But many on the West Coast, and beyond, are still skeptical of the evidence and the FBI’s claims. The announcement, after all, comes a mere three weeks into the investigation, and reverses a statement FBI Director James Comey had made just the week before that investigators had found nothing so far to tie the hack to the North Korean government. “Before we attribute a particular action to a particular actor,” he said, “we like to sort the evidence in a very careful way to arrive at a level of confidence that we think justifies saying ‘Joe did it’ or ‘Sally did it,’ and we’re not at that point yet.”

The FBI attributed the Sony hack to North Korea in part because it shares some code and components with hacks that were conducted in South Korea in 2013, which some have attributed to North Korea. They also cite as evidence the fact that IP addresses associated with North Korea contacted some of the command-and-control servers the Sony hackers used to communicate with malware on the Sony machines. Skeptics criticized the evidence saying it was inconclusive and failed to make the FBI’s case. The agency, however, maintains that it has other evidence it can’t disclose, raising questions about whether signals intelligence collected by NSA surveillance might have been used. Separately, a private security firm with ties to the FBI says it has additional clues that point to North Korea.

Let’s unpack these details. The U.S. Government’s Unprecedented Statement The government’s statement pointing to North Korea is unprecedented, marking the first time a government agency has formally blamed another nation for a cyber attack. When Google was hacked in 2010 by a sophisticated adversary, it wasn’t the government that accused China, but Google. The most Secretary of State Hilary Clinton did publicly at the time was to ask China to explain the claims. When the government has pointed a finger directly at other nations for hacks, it has generally come from individual officials speaking to the press, not from a formal press statement—let alone the president.

This seems to suggest that the government must have other evidence—beyond the FBI’s disclosed circumstantial evidence—that North Korea was responsible for the hack. Otherwise, why would the president agree to announce on TV that North Korea was the culprit?

Robert Graham, CEO of Errata Security, who has been a vocal skeptic of the government’s attribution, says he thinks the government is divided on the issue, but that certain parties forced a public statement.

“I don’t think the NSA is on board and I don’t think the entire FBI is on board, either,” he speculates. Rather, he thinks someone in a political position inside the FBI, not actual investigators, got hold of a report from Mandiant, the security firm hired to investigate Sony’s breach, which said that there were similarities to other attacks attributed to North Korea. These FBI insiders read this and “wanted it to be North Korea so much that they just threw away caution,” he suggests. The degree of attention focused on the Sony hack combined with “leaks” from anonymous government officials pointing the finger at North Korea made it a fait accompli that the administration would have to officially attribute the attack to North Korea. “There’s this whole group-think that happens, and once it becomes the message, it’s really hard to say no it’s not this,” Graham says.

US sanctions created in response to the attack despite lingering questions

Lee & Solomon 15 — Carol E. Lee, WSJ White House correspondent in the Washington bureau; and Jay Solomon, WSJ writer, covering international diplomacy, nuclear weapons proliferation, counter-terrorism and Middle East and Asian affairs, 2015 (“U.S. Targets North Korea in Retaliation for Sony Hack,” *Wall Street Journal*, January 3rd, Available online at <http://www.wsj.com/articles/u-s-penalizes-north-korea-in-retaliation-for-sony-hack-1420225942>, Accessed 7/16/15) JL

HONOLULU—The Obama administration renewed a U.S. campaign of financial pressure against North Korea, imposing sanctions against the country’s lucrative arms industry in what American officials said was a first step in retaliation for Pyongyang’s alleged cyberattack on Sony Pictures Entertainment.

President Barack Obama signed an executive order on Friday widening his authority to further punish a country that is already the world’s most isolated. The move returns the U.S. to a posture of open hostility with its oldest remaining Cold War adversary after the American leader last month initiated a détente with Cuba.

U.S. Statement on New Sanctions

Treasury Secretary Jacob Lew said the moves were designed to “further isolate key North Korean entities and disrupt the activities of close to a dozen critical North Korean operatives.” He said the U.S. would defend its businesses and citizens from “attempts to undermine our values or threaten the national security of the United States.”

The new moves come despite lingering questions over whether North Korea was behind the November attack by hackers who released thousands of embarrassing internal emails and threatened Sept. 11-like attacks on movie theaters if the studio released “The Interview,” a comedy about the assassination of North Korea’s leader Kim Jong Un. The Obama administration has discounted those attacks.

Some nongovernmental cybersecurity experts have challenged the U.S. conclusion that North Korea was behind the hacking, arguing the attack would make more sense as the work of an aggrieved former Sony employee. Some security researchers not involved in the Sony probe argue the government didn’t prove its case.

Sanctions spark US-North Korea hostility

Scanlon 15 — Charles Scanlon, BBC's East Asia analyst & BBC journalist, 2015 ("Sony cyber-attack: North Korea calls US sanctions hostile," *BBC*, January 4th, Available online at <http://www.bbc.com/news/world-asia-30670884>, Accessed 7/16/15) JL

It is thought to be the first time the US has moved to punish a country for a cyber-attack against a firm. North Korea has described new sanctions imposed in response to a major cyber-attack against Sony Pictures as part of a hostile and inflammatory US policy. The US placed sanctions on three North Korean organisations and 10 individuals after the FBI blamed Pyongyang for the cyber-attack. North Korea praised the attack on Sony but denied any involvement in it. It came as Sony was about to release *The Interview*, a comedy about a plot to assassinate North Korea's leader.

Sony initially cancelled plans to show the film, before deciding to release it online and at a limited number of cinemas. 'Inveterate repugnancy'The US sanctions imposed on Friday are believed to be the first time the US has moved to punish any country for cyber-attacks on a US company. Announcing them, White House officials told reporters the move was in response to the Sony hack, but the targets of the sanctions were not directly involved.

In response, the North's state-run KCNA news agency on Sunday quoted a foreign ministry spokesman as saying: "The policy persistently pursued by the US to stifle the DPRK [North Korea], groundlessly stirring up bad blood towards it, would only harden its will and resolution to defend the sovereignty of the country.

"The persistent and unilateral action taken by the White House to slap 'sanctions' against the DPRK patently proves that it is still not away from inveterate repugnancy and hostility toward the DPRK."

The North Korean statement says the US allegations that it was involved in the Sony hack are absurd, and it points to cyber experts in the West who also doubt its involvement. It says the US has been stung by the growing international scepticism and imposed sanctions to try to save face. North Korea warns the sanctions will be counter-productive as they encourage it to strengthen its military stance, including, by implication, its nuclear arsenal. But the involvement of the US Treasury Department in the measures is likely to cause some anxiety in Pyongyang. It has shown an ability in the past to disrupt revenue streams that are directly linked to the leadership.

President Barack Obama signed an executive order on Friday allowing sanctions. US sanctions were already in place over North Korea's nuclear programme but analysts said the new sanctions were designed to further isolate the country's defence industry. Those named in the sanctions were: The Reconnaissance General Bureau, North Korea's primary intelligence organization, North Korea's primary arms dealer, the Korea Mining Development Trading Corporation (Komid), Korea Tangun Trading Corporation, which supports North Korea's defence research, Jang Song Chol, a government official said to be a Komid representative in Russia, Kim Yong Chol, a government official said to be a Komid representative in Iran, Ryu Jin and Kang Ryong, both Komid officials in Syria, according to the US.

(I didn't cut these last two cards; they're from the HUMINT advantage, but they have impacts to North Korean war)

North Korea prolif is accelerating now — recent submarine tests — also leads to Iranian acquisition

Huessy 6/11 (Peter, 2015, Peter Huessy is President of GeoStrategic Analysis, founded in 1981, and the senior defense consultant at the Air Force Association and National Security Fellow at the American Foreign Policy Council, "North Korea's Serious New Nuclear Missile Threat," <http://www.gatestoneinstitute.org/5914/north-korea-nuclear-missile>)/RTF

North Korea appears to have made significant progress in extending its capability as a nuclear-armed rogue nation, to where its missiles may become capable of hitting American cities with little or no warning. What new evidence makes such a threat compelling? North Korea claims to have nuclear warheads small enough to fit on their ballistic missiles and missiles capable of being launched from a submerged platform such as a submarine. Shortly after North Korea's April 22, 2015 missile test, which heightened international concern about the military capabilities of North Korea, U.S. Secretary of State John Kerry urged China and our regional allies to restart the 2003 "six-party talks" aimed at eliminating nuclear weapons from the Korean peninsula and reining in North Korea's expanding nuclear missile program. There are some "experts," however, who believe that North Korea's threat is highly exaggerated and poses no immediate danger to the United States. Consequently, many believe that, given China's oft-repeated support for a "nuclear weapons free" Korean peninsula, time is on America's side to get an agreement that will guarantee just such a full de-nuclearization. But, if North Korea's technical advances are substantive, its missiles, armed with small nuclear weapons, might soon be able to reach the continental United States -- not just Hawaii and Alaska. Further, if such missile threats were to come from submarines near the U.S., North Korea would be able to launch a surprise nuclear-armed missile attack on an American city. In this view, time is not on the side of the U.S. Submarine-launched missiles come without a "return address" to indicate what country or terrorist organization fired the missile. The implications for American security do not stop there. As North Korea is Iran's primary missile-development partner, whatever North Korea can do with its missiles and nuclear warheads, Iran will presumably be able to do as well. One can assume the arrangement is reciprocal. Given recent warnings that North Korea may have upwards of 20 nuclear warheads, the United States seems to be facing a critical new danger. Would renewed negotiations with China, Japan, South Korea and North Korea really be able to address this threat? Two years ago, Andrew Tarantola and Brian Barrett said there was "no reason to panic;" that North Korea was "a long way off" -- in fact "years" -- before its missiles and nuclear weapons could be "put together in any meaningful way." At the same time, in April 2013, an official U.S. assessment by the Defense Intelligence Agency stated the U.S. had "moderate" confidence that "North Korea had indeed developed a nuclear device small enough to mount on a ballistic missile." That was followed up two years later, on April 7, 2015, when the commander of Northcom, Admiral Bill Gortney, one of the nation's leading homeland security defenders, said the threat was considerably more serious. He noted that, "North Korea has deployed its new road-mobile KN-08 intercontinental ballistic missile and was capable of mounting a miniaturized nuclear warhead on it." [1] At a Pentagon press briefing in April, Admiral Cecil Haney, Commander of the US Strategic Command and America's senior military expert on nuclear deterrence and missile defense, said it was important to take seriously reports that North Korea can now make small nuclear warheads and put them on their ballistic missiles. [2] And sure enough, in April, North Korea launched a ballistic missile from a submerged platform. Media reaction to the North Korean test has been confused. Reuters, citing the analysis of two German "experts," claimed the North Korean test was fake -- a not-too-clever manipulation of video images. The Wall Street Journal, on May 21, 2015, echoed this view, noting: "[F]or evidence of North Korea's bending of reality to drum up fears about its military prowess," one need look no further than a consensus that North Korea "doctored" pictures of an alleged missile test from a submarine. This, they claimed, was proof that the "technology developments" by North Korea were nothing more than elaborately faked fairy tales. However, Israeli missile defense expert Uzi Rubin -- widely known as the "father" of Israel's successful Arrow missile defense program -- explained to this author that previous North Korean missile developments, which have often been dismissed as nothing more than mocked-up missiles made of plywood, actually turned out to be the real thing -- findings confirmed by subsequent intelligence assessments. Rubin, as well as the South Korean Defense Ministry, insist that on April 22, the North Korean military did, in fact, launch a missile from a submerged platform. [3] Kim Jong Un, the "Supreme Leader" of North Korea, supervises the April 22 test-launch of a missile from a

submerged platform. (Image source: KCNA) What gave the "faked" test story some prominence were the misunderstood remarks of the Vice Chairman of the Joint Chiefs of Staff, Admiral James Winnefeld. He had said, on May 19, that the North Korean missile launch was "not all" that North Korea said it was. He also mentioned that North Korea used clever video editors to "crop" the missile test-launch images. Apparently, that was exactly what the editors did. The Admiral, however, never claimed in his speech at the Center for Strategic and International Studies there had been no successful missile test.[4] The same day, a high-ranking State Department official, Frank Rose -- Assistant Secretary of State for Arms Control, Verification, and Compliance -- told a Korean security seminar on Capitol Hill that North Korea had successfully conducted a "missile ejection" test, but from an underwater barge rather than a submarine.[5] To confuse matters further, additional pictures were released by the South Korean media to illustrate stories about the North Korean test. Those pictures, however, were of American missiles, which use both solid and liquid propellant; as a result, one photo showed a U.S. missile with a solid propellant smoke trail and one, from a liquid propellant, without a smoke trail. These photographs apparently befuddled Reuters' "experts," who may have jumped to the conclusion that the photos of the North Korean test were "faked," when they were simply of entirely different missile tests, and had been used only to "illustrate" ocean-going missile launches and not the actual North Korean test.[6] According to Uzi Rubin, to achieve the capability to eject a missile from an underwater platform is a significant technological advancement. The accomplishment again illustrates "that rogue states such as North Korea can achieve military capabilities which pose a notable threat to the United States and its allies." Rubin also stated that the North Korean underwater launch test was closely related to the development of a missile-firing submarine, "a first step in achieving a very serious and dangerous new military capability."[7] Admiral Winnefeld and Secretary Rose, in their remarks, confirmed that the North Korean test was not the "dog and pony show" some have claimed. In other words, the U.S. government has officially confirmed that the North Koreans have made a serious step toward producing a sea-launched ballistic missile capability. While such an operational capability may be "years away," Rubin warns that "even many years eventually pass, and it will also take many years to build up the missile defenses, so we had better use the time wisely." [8] Will diplomacy succeed in stopping the North Korean threats? U.S. Secretary of State John Kerry seemed to think it worth a try; so he began the push to restart the old 2003 "six-party" talks between the United States, North Korea, Russia, China, South Korea and Japan, to bring North Korea's nuclear weapons under some kind of international control and eventual elimination. After all, supporters of such talks claim, similar talks with Iran appear to be leading to some kind of "deal" with Tehran, to corral its nuclear weapons program, so why not duplicate that effort and bring North Korea back into the non-nuclear fold? What such a "deal," if any, with Iran, will contain, is at this point unknown. Celebrations definitely seem premature. If the "deal" with North Korea is as "successful" as the P5+1's efforts to rein in Iran's illegal nuclear weapons program, the prognosis for the success of diplomacy could scarcely be more troubling. Bloomberg's defense writer, Tony Carpaccio, reflecting Washington's conventional wisdom, recently wrote that of course China will rein in North Korea's nuclear program: "What might be a bigger preventative will be the protestations of China, North Korea's primary trade partner and only prominent international ally. Making China angry would put an already deeply impoverished, isolated North Korea in even more dire straits." Unfortunately, no matter how attractive a strategy of diplomatically ending North Korea's nuclear program might look on the surface, it is painfully at odds with China's established and documented track record in supporting and carrying out nuclear proliferation with such collapsed or rogue states as Iran, Syria, Pakistan, North Korea and Libya, as detailed by the 2009 book *The Nuclear Express*, by Tom C. Reed (former Secretary of the Air Force under President Gerald Ford and Special Assistant to the President of National Security Affairs during the Ronald Reagan administration) and Daniel Stillman (former Director of the Lawrence Livermore National Laboratory). Far from being a potential partner in seeking a non-nuclear Korean peninsula, China, say the authors, has been and is actually actively pushing the spread of nuclear weapons to rogue states, as a means of asserting Chinese hegemony, complicating American security policy and undermining American influence. The problem is not that China has little influence with North Korea, as China's leadership repeatedly claims. The problem is that China has no interest in pushing North Korea away from its nuclear weapons path because the North Korean nuclear program serves China's geostrategic purposes. As Reed and Stillman write, "China has been using North Korea as the re-transfer point for the sale of nuclear and missile technology to Iran, Syria, Pakistan, Libya and Yemen". They explain, "Chinese and North Korean military officers were in close communication prior to North Korea's missile tests of 1998 and 2006". Thus, if China takes action to curtail North Korea's nuclear program, China will likely be under pressure from the United States and its allies to take similar action against Iran and vice versa. China, however, seems to want to curry favor with Iran because of its vast oil and gas supplies, as well as to use North Korea to sell and transfer nuclear technology to both North Korea and Iran, as well as other states such as Pakistan. As Reed again explains, "China has catered to the nuclear ambitions of the Iranian ayatollahs in a blatant attempt to secure an ongoing supply of oil". North Korea is a partner with Iran in the missile and nuclear weapons development business, as Uzi Rubin has long documented. Thus, it is reasonable to believe that China may see any curtailment of North Korea's nuclear program as also curtailing Iran's access to the same nuclear technology being supplied by North Korea. Any curtailment would also harm the Chinese nuclear sales business to Iran and North Korea, especially if China continues to use the "North Korea to Iran route" as an indirect means of selling its own nuclear expertise and technology to Iran. It is not as if Chinese nuclear proliferation is a recent development or a "one of a kind" activity. As far back as 1982, China gave nuclear warhead blueprints to Pakistan, according to Reed. These findings indicate that China's nuclear weapons proliferation activities are over three decades old.[9] Reed and Stillman also note that nearly a decade later, China tested a nuclear bomb "for Pakistan" on May 26, 1990, and that documents discovered in Libya when the George W. Bush administration shut down Libyan leader Muammar Kaddafi's nuclear program revealed that China gave Pakistan the CHIC-4 nuclear weapon design. Unfortunately, China's nuclear assistance to Pakistan did not stay just in Pakistan. The nuclear technology made its way from Pakistan to North Korea. For example, high explosive craters, construction of a 50 megawatt nuclear reactor (finished in 1986) and a secret reprocessing facility begun in 1987 all were done in North Korea with major

Pakistani help from the A.Q. Khan "Nukes R Us" smuggling group, as Reed and Stillman document in their book. Reed and Stillman write that when, amid disclosures in 2003 of a major Libyan nuclear weapons program, the U.S. government sought help in shutting down the Khan nuclear smuggling ring, "Chinese authorities were totally unhelpful, to the point of stonewalling any investigation into Libya's nuclear supply network." More recently, Chinese companies have now twice -- in 2009 and 2011 -- been indicted by the Attorney for the City of New York for trying to provide Iran with nuclear weapons technology. The indictments document that Chinese companies were selling Iran steel for nuclear centrifuges and other banned technology. A leaked State Department cable, discussing the indictments at the time, revealed "details on China's role as a supplier of materials for Iran's nuclear program," and that "China helped North Korea ship goods to Iran through Chinese airports." And more recently, in April 2015, the Czech government interdicted additional nuclear technology destined for Iran -- the origin of which remains unknown -- in violation of current sanctions against Iran. From 1982 through at least the first part of 2015, the accumulation of documentary evidence on nuclear proliferation reveals two key facts: First, despite literally hundreds of denials by Iran that it is seeking nuclear weapons, and amid current negotiations to end Iran's pursuit of nuclear weapons, there is solid evidence that Iran still seeks nuclear weapons technology; and that North Korea has nuclear weapons and is advancing their capability. Second, China continues to transfer, through its own territory, nuclear weapons technology involving both North Korea and Iran. Although the Chinese profess to be against nuclear proliferation, their track record from the documented evidence illustrates just the opposite. In summary, it is obvious North Korea's nuclear weapons and ballistic missiles are a serious threat to America and its allies. And China, from its proliferation record for the past three decades, is making such a threat more widespread. In this light, is dismissing North Korea's advances in military technology and ignoring China's record of advancing its neighbors' nuclear weapons technology really best for U.S. interests?

That causes miscalc — leads to global nuclear war

Metz 13 – Chairman of the Regional Strategy and Planning Department and Research Professor of National Security Affairs at the Strategic Studies Institute (Steven, 3/13/13, "Strategic Horizons: Thinking the Unthinkable on a Second Korean War,"

<http://www.worldpoliticsreview.com/articles/12786/strategic-horizons-thinking-the-unthinkable-on-a-second-korean-war>)

Today, North Korea is the most dangerous country on earth and the greatest threat to U.S. security. For years, the bizarre regime in Pyongyang has issued an unending stream of claims that a U.S. and South Korean invasion is imminent, while declaring that it will defeat this offensive just as -- according to official propaganda -- it overcame the unprovoked American attack in 1950. Often the press releases from the official North Korean news agency are absurdly funny, and American policymakers tend to ignore them as a result. Continuing to do so, though, could be dangerous as events and rhetoric turn even more ominous. In response to North Korea's Feb. 12 nuclear test, the U.N. Security Council recently tightened existing sanctions against Pyongyang. Even China, North Korea's long-standing benefactor and protector, went along. Convulsed by anger, Pyongyang then threatened a pre-emptive nuclear strike against the United States and South Korea, abrogated the 1953 armistice that ended the Korean War and cut off the North-South hotline installed in 1971 to help avoid an escalation of tensions between the two neighbors. A spokesman for the North Korean Foreign Ministry asserted that a second Korean War is unavoidable. He might be right; for the first time, an official statement from the North Korean government may prove true. No American leader wants another war in Korea. The problem is that the North Koreans make so many threatening and bizarre official statements and sustain such a high level of military readiness that American policymakers might fail to recognize the signs of impending attack. After all, every recent U.S. war began with miscalculation; American policymakers misunderstood the intent of their opponents, who in turn underestimated American determination. The conflict with North Korea could repeat this pattern. Since the regime of Kim Jong Un has continued its predecessors' tradition of responding hysterically to every action and statement it doesn't like, it's hard to assess exactly what might push Pyongyang over the edge and cause it to lash out. It could be something that the United States considers modest and reasonable, or it could be some sort of internal power struggle within the North Korean regime invisible to the outside world. While we cannot know whether the recent round of threats from Pyongyang is serious or simply more of the same old lathering, it would be prudent to think the unthinkable and reason through what a war instigated by a fearful and delusional North Korean regime might mean for U.S. security. The second Korean War could begin with missile strikes against South Korean, Japanese or U.S. targets, or with a combination of missile strikes and a major conventional invasion of the South -- something North Korea has prepared for many decades. Early attacks might include nuclear weapons, but even if they didn't, the United States would probably move quickly to destroy any existing North Korean nuclear weapons and ballistic missiles. The war itself would be extremely costly and probably long. North Korea is the most militarized society on earth. Its armed forces are backward but huge. It's hard to tell whether the North Korean people, having been fed a steady diet of propaganda based on adulation of the Kim regime, would resist U.S. and South Korean forces that entered the North or be thankful for relief from their brutally parasitic rulers. As the conflict in Iraq showed, the United States and its allies should prepare for widespread, protracted resistance even while hoping it doesn't occur. Extended guerrilla operations and insurgency could potentially last for years following the defeat of North Korea's conventional military. North Korea would need massive relief, as would South Korea and Japan if Pyongyang used nuclear weapons. Stabilizing North Korea and developing an effective and peaceful regime would require a lengthy occupation, whether U.S.-dominated or with the United States as a major contributor. The second Korean War would force military mobilization in the United States. This would initially involve the military's existing reserve component, but it would probably ultimately require a major expansion of the U.S. military and hence a draft. The military's training infrastructure and the defense industrial base would have to grow. This would be a body blow to efforts to cut government spending in the United States and postpone serious deficit reduction for some time, even if Washington increased taxes to help fund the war. Moreover, a second Korean conflict would shock the global economy and potentially have destabilizing effects outside Northeast Asia. Eventually, though, the United States and its allies would defeat the North Korean military. At that point it would be impossible for the United States to simply re-establish the status quo ante bellum as it did after the first Korean War. The Kim regime is too unpredictable,

desperate and dangerous to tolerate. Hence regime change and a permanent ending to the threat from North Korea would have to be America's strategic objective. China would pose the most pressing and serious challenge to such a transformation of North Korea. After all, Beijing's intervention saved North Korean dictator Kim Il Sung after he invaded South Korea in the 1950s, and Chinese assistance has kept the subsequent members of the Kim family dictatorship in power. Since the second Korean War would invariably begin like the first one -- with North Korean aggression -- hopefully China has matured enough as a great power to allow the world to remove its dangerous allies this time. If the war began with out-of-the-blue North Korean missile strikes, China could conceivably even contribute to a multinational operation to remove the Kim regime. Still, China would vehemently oppose a long-term U.S. military presence in North Korea or a unified Korea allied with the United States. One way around this might be a grand bargain leaving a unified but neutral Korea. However appealing this might be, Korea might hesitate to adopt neutrality as it sits just across the Yalu River from a China that tends to claim all territory that it controlled at any point in its history. If the aftermath of the second Korean War is not handled adroitly, **the result could** easily **be** heightened hostility between the **U**nited **S**tates and **China**, perhaps even a new cold **war**. After all, **history shows** that deep **economic connections do not** automatically **prevent** nations from hostility and **war** -- in 1914 Germany was heavily involved in the Russian economy and had extensive trade and financial ties with France and Great Britain. It is not inconceivable then, that after the second Korean War, U.S.-China relations would be antagonistic and hostile at the same time that the two continued mutual trade and investment. Stranger things have happened in statecraft.

North Korea Extensions

US intentionally ignores South Korean spying in targeting the North, despite lack of evidence

Harris 15 — Shane Harris, American journalist and author at Foreign Policy magazine, specializing in coverage of America's intelligence agencies, current ASU Future of War Fellow at New American Foundation, 2015 (“Our South Korean Allies Also Hack the U.S.—and We Don’t Seem to Care,” *The Daily Beast*, January 21st, Available online at <http://www.thedailybeast.com/articles/2015/01/21/the-other-korea-is-hacking-us-and-we-don-t-seem-to-care.html>, Accessed 7/16/15) JL

South Korea’s online espionage program may be primarily focused on the North, but it’s also targeting the United States—and the U.S. government isn’t making a stink about it. Lost in the kerfuffle over North Korea’s hacking of Sony is this little irony: South Korea, the Hermit Kingdom’s main rival and a stalwart ally of the United States, has also been cyberspying on America. South Korea has an active online espionage program that is primarily aimed at the North but also has been “targeting us,” according to a newly disclosed internal National Security Agency document. The United States couldn’t be surprised to find that Seoul had eyes on its key ally and defender in the region. South Korea has a long history of spying on the United States, primarily to steal military and commercial technology.

The NSA document, which was included in the trove of classified files leaked by ex-NSA contractor Edward Snowden and published last week by Der Spiegel, includes a first-person account from an unnamed NSA employee who says the agency was aware of South Korea’s hacking operations but not “super interested” in them until they were ramped up “a bit more” against the United States. The document is undated but makes reference to an NSA manual published in 2007. It gives no indication why South Korea stepped up its cyberspying on the United States.

At the time the NSA noticed the increased hacking activity, the agency’s access to North Korean computer networks was “next to nothing,” the employee states. But the South had been hacking into the North’s systems. Proving that turnabout is indeed fair play, the NSA decided to piggyback on the South Korean hackers and use their already planted bugs to siphon data off North Korea’s computers. “There’s a saying in intelligence that ‘Countries don’t have friends, they have interests.’”

The document doesn’t specify whether South Korea’s hackers were targeting the U.S. government or corporations, and it treats the spying as an aside in the story of how the NSA went on to launch its own hacking offensive against North Korea. As *The Daily Beast* previously reported, those efforts have been going on for years and were crucial to helping the U.S. government definitively pin the blame for the Sony hack on North Korea. The *New York Times* reported this week that the NSA began hacking into the North’s networks in 2010.

In 1996, Robert Kim, a U.S. naval intelligence officer, was arrested after handing classified documents over to South Korea. From 2007 to 2012, the Justice Department brought charges in at least five major cases involving South Korean corporate espionage against American companies. Among the accused was a leading South Korean manufacturer that engaged in what prosecutors described as a “multi-year campaign” to steal the secret to DuPont’s Kevlar, which is used to make bulletproof vests.

All of the cases involved corporate employees, not government officials, but the technologies that were stolen had obvious military applications. South Korean corporate spies have targeted thermal imaging

devices and prisms used for guidance systems on drones. One spy confessed to stealing components for a massive, Gatling gun-style cannon that fires 20mm rounds, known as the M61 Vulcan.

But South Korea has gone after commercial tech, as well. A 2005 report published by Cambridge University Press identified South Korea as one of five countries, along with China and Russia, that had devoted “the most resources to stealing Silicon Valley technology.”

Attacks can't be connected to North Korea — more likely insider attack

Perlroth 14 — Nicole Perlroth, technology reporter for the New York Times and voted top cybersecurity journalist by the SANS Institute, Princeton & Stanford School of Journalism graduate, 2014 (“Was North Korea Really Responsible for Hacking Sony’s Computers,” *New York Times*, December 24th, http://bits.blogs.nytimes.com/2014/12/24/new-study-adds-to-skepticism-among-security-experts-that-north-korea-was-behind-sony-hack/?_r=0, Accessed 7/16/15) JL

A number of private security researchers are increasingly voicing doubts that the hack of Sony’s computer systems was the work of North Korea. ...

Security researchers say they need more proof. “Essentially, we are being left in a position where we are expected to just take agency promises at face value,” Marc Rogers, a security researcher at CloudFlare, the mobile security company, wrote in a post Wednesday. “In the current climate, that is a big ask.”

Mr. Rogers, who doubles as the director of security operations for DefCon, an annual hacker convention, and others like Bruce Schneier, a prominent cryptographer and blogger, have been mining the meager evidence that has been publicly circulated, and argue that it is hardly conclusive.

For one, skeptics note that the few malware samples they have studied indicate the hackers routed their attack through computers all over the world. One of those computers, in Bolivia, had been used by the same group to hack targets in South Korea. But that computer, as well as others in Poland, Italy, Thailand, Singapore, Cyprus and the United States, were all freely available to anyone to use, which opens the list of suspects to anyone with an Internet connection and basic hacking skills.

For another, Sony’s attackers constructed their malware on computers configured with Korean language settings, but skeptics note that those settings could have been reset to deflect blame. They also note the attackers used commercial software wiping tools that could have been purchased by anyone.

They also point out that whoever attacked Sony had a keen understanding of its computer systems — the names of company servers and passwords were all hard-coded into the malware — suggesting the hackers were inside Sony before they launched their attack. Or it could even have been an inside job.

And then there’s the motive. Government officials claim the Sony attacks were retaliation for “The Interview,” a feature film about two bumbling journalists hired by the C.I.A. to assassinate North Korea’s leader. In a letter last June, North Korea’s ambassador to the United Nations called the film “an act of war.” But naysayers point out that, as far as they can tell, Sony’s attackers did not mention the film as motivation until that theory percolated in the media.

The simpler explanation is that it was an angry “insider,” Mr. Rogers wrote. “Combine that with the details of several layoffs that Sony was planning, and you don’t have to stretch the imagination too far to consider that a disgruntled Sony employee might be at the heart of it all.”

On Wednesday, one alternate theory emerged. Computational linguists at Taia Global, a cybersecurity consultancy, performed a linguistic analysis of the hackers’ online messages — which were all written in imperfect English — and concluded that based on translation errors and phrasing, the attackers are more likely to be Russian speakers than Korean speakers.

Shlomo Argamon, Taia’s Global’s chief scientist, said in an interview Wednesday that the research was not a quantitative, computer analysis. Mr. Argamon said he and a team of linguists had mined hackers’ messages for phrases that are not normally used in English and found 20 in total. Korean, Mandarin, Russian and German linguists then conducted literal word-for-word translations of those phrases in each language. Of the 20, 15 appeared to be literal Russian translations, nine were Korean and none matched Mandarin or German phrases.

Mr. Argamon’s team performed a second test of cases where hackers used incorrect English grammar. They asked the same linguists if five of those constructions were valid in their own language. Three of the constructions were consistent with Russian; only one was a valid Korean construction.

“Korea is still a possibility, but it’s much less likely than Russia,” Mr. Argamon said of his findings. ...

It is also worth noting that other private security researchers say their own research backs up the government’s claims. CrowdStrike, a California security firm that has been tracking the same group that attacked Sony since 2006, believes they are located in North Korea and have been hacking targets in South Korea for years.

But without more proof, skeptics are unlikely to simply demur to F.B.I. claims. “In the post-Watergate post-Snowden world, the USG can no longer simply say ‘trust us’,” Paul Rosenzweig, the Department of Homeland Security’s former deputy assistant secretary for policy, wrote on the Lawfare blog Wednesday. “Not with the U.S. public and not with other countries. Though the skepticism may not be warranted, it is real.”

Mr. Rosenzweig argued that the government should release more persuasive evidence. “Otherwise it should stand silent and act (or not) as it sees fit without trying to justify its actions. That silence will come at a significant cost, of course — in even greater skepticism. But if the judgment is to disclose, then it must be more fulsome, with all the attendant costs of that as well.”

More likely an insider attack

Biddle 14 — Sam Biddle, Gawker reporter, 2014 (“A Lot of Smart People Think North Korea Didn’t Hack Sony,” *Gawker*, December 22nd, Available online at <http://gawker.com/a-lot-of-smart-people-think-north-korea-didnt-hack-sony-1672899940>, Accessed 7/16/15) JL

Independent, skeptical security experts have been poking holes in this theory for days now. Evidence provided by the FBI last week in an official accusation against the North Korean government was really more of a reference to evidence—all we got were bullet points, most of them rehashing earlier clues. It still doesn’t seem like enough to definitively pin the attacks to North Korea. Security consultant Dan Tientler didn’t take long to brush off the FBI’s points. But the weightiest rebuttal of the case against

North Korea has come from renowned hacker, DEFCON organizer, and CloudFlare researcher Marc Rogers, who makes a compelling case of his own.

The broken English looks deliberately bad and doesn't exhibit any of the classic comprehension mistakes you actually expect to see in "Konglish". i.e it reads to me like an English speaker pretending to be bad at writing English. ...

It's clear from the hard-coded paths and passwords in the malware that whoever wrote it had extensive knowledge of Sony's internal architecture and access to key passwords. While it's plausible that an attacker could have built up this knowledge over time and then used it to make the malware, Occam's razor suggests the simpler explanation of an insider. It also fits with the pure revenge tact that this started out as.

"The attackers only latched onto 'The Interview' after the media did – the film was never mentioned by GOP right at the start of their campaign. It was only after a few people started speculating in the media that this and the communication from DPRK "might be linked" that suddenly it became linked."

AT: Obama Doesn't Groupthink

Obama groupthinks — Cabinet elections prove

Ignatius 13 — David Ignatius, 2013 (“In Obama’s new Cabinet, rivals out, loyalists in,” Washington Post, February 22nd, available online at http://www.washingtonpost.com/opinions/david-ignatius-in-obamas-new-cabinet-rivals-out-loyalists-in/2013/02/22/13f2f27e-7c73-11e2-82e8-61a46c2cde3d_story.html, accessed 7/14/15) JL

During President Obama’s first term, there was hidden friction between powerful Cabinet secretaries and a White House that wanted control over the foreign-policy process. Now Obama has assembled a new team that, for better or worse, seems more likely to follow the White House lead.

The first term featured the famous “team of rivals,” people with heavyweight egos and ambitions who could buck the White House and get away with it. Hillary Clinton and Bob Gates were strong secretaries of state and defense, respectively, because of this independent power. Leon Panetta had similar stature as CIA director, as did David Petraeus, who became CIA director when Panetta moved to the Pentagon.

The new team has prominent players, too, but they’re likely to defer more to the White House. Secretary of State John Kerry has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so. Chuck Hagel, who will probably be confirmed next week as defense secretary, is a feisty combat veteran with a sometimes sharp temper, but he has been damaged by the confirmation process and will need White House cover.

John Brennan, the nominee for CIA director, made a reputation throughout his career as a loyal deputy. This was especially true these past four years, when he carried the dark burden of counterterrorism policy for Obama.

It’s a Washington truism that every White House likes Cabinet consensus and hates dissent. But that’s especially so with Obama’s team, which has centralized national security policy to an unusual extent. This starts with national security adviser Tom Donilon, who runs what his fans and critics agree is a “tight process” at the National Security Council (NSC). Donilon was said to have been peeved, for example, when a chairman of the Joint Chiefs of Staff insisted on delivering a dissenting view to the president.

This centralizing ethos will be bolstered by a White House team headed by Denis McDonough, the new chief of staff, who is close to Obama in age and temperament. Tony Blinken, who was Vice President Biden’s top aide, has replaced McDonough as NSC deputy director, and State Department wunderkind Jacob Sullivan, who was Clinton’s most influential adviser, is expected to replace Blinken. That’s lot of intellectual firepower for enforcing a top-down consensus.

The real driver, obviously, will be Obama, and he has assembled a team with some common understandings. They share his commitment to ending the war in Afghanistan and avoiding new foreign military interventions, as well as his corresponding belief in diplomatic engagement. None has much experience managing large bureaucracies. They have independent views, to be sure, but they owe an abiding loyalty to Obama.

In Obama's nomination of people skeptical about military power, you can sense a sharp turn away from his December 2009 decision for a troop surge in Afghanistan. The White House felt jammed by the military's pressure for more troops, backed by Gates and Clinton. Watching Obama's lukewarm support for the war after 2009, one suspected he felt pushed into what he eventually concluded was a mistake. Clearly, he doesn't intend to repeat that process.

Obama's choice for CIA director is also telling. The White House warily managed Petraeus, letting him run the CIA but keeping him away from the media. In choosing Brennan, the president opted for a member of his inner circle with whom he did some of the hardest work of his presidency. Brennan was not a popular choice at the CIA, where some view him as having been too supportive of the Saudi government when he was station chief in Riyadh in the 1990s; these critics argue that Brennan didn't push the Saudis hard enough for intelligence about the rising threat of Osama bin Laden. But agency officials know, too, that the CIA prospers when its director is close to the president, which will certainly be the case with Brennan and Obama.

Obama has some big problems coming at him in foreign policy, starting with Syria and Iran. Both will require a delicate mix of pressure and diplomacy. To get the balance right, Obama will need a creative policy debate where advisers "think outside the box," to use the management cliché.

Presidents always say that they want that kind of open debate, and Obama handles it better than most. But by assembling a team where all the top players are going in the same direction, he is perilously close to groupthink.

Brennan specifically contributes to groupthink

Pillar 13 — Paul R. Pillar, Nonresident Senior Fellow at the Center for Security Studies at Georgetown University and Nonresident Senior Fellow in Foreign Policy at the Brookings Institution and contributing editor to The National Interest, 2013 ("The Danger of Groupthink," The National Interest, February 26th, available online at <http://nationalinterest.org/blog/paul-pillar/the-danger-groupthink-8161?page=2> , accessed 7/14/15) JL

Nevertheless, Ignatius is on to something that is at least a potential hazard for the second Obama term. The key factor is not so much the substantive views that senior appointees bring with them into office. As the cliché goes, a president is entitled to have working for him people who agree with his policies. The issue is instead one of how loyalty—not only to the president, but collective loyalty as part of the president's inner circle—may affect how senior officials express or push views once they are in office.

In this regard it is useful to reflect on the meaning of "groupthink." The term has come to be used loosely as a synonym for many kinds of conventional wisdom or failure to consider alternatives rigorously. But the father of research on groupthink, the psychologist Irving Janis, meant something narrower and more precise. Groupthink is pathology in decision-making that stems from a desire to preserve harmony and conformity in a small group where bonds of collegiality and mutual loyalty have been forged. It is the negative flip side of whatever are the positive attributes of such bonds. LBJ's Tuesday lunch group was one of the original subjects of Janis's writing.

With this in mind, the second term appointment that becomes even more interesting regarding Ignatius's thesis is that of John Brennan. Ignatius has Brennan well-pegged, including a comment that he "made a reputation throughout his career as a loyal deputy." One might expand on that by observing

that among Brennan's talents—and they are considerable—is a knack for what is often called managing up. Earlier in his career he was a protégé of George Tenet, and during the past four years he appears to have forged a similar relationship with Barack Obama.

One ought to ask what all of this might mean for Brennan's ability and willingness to speak truth not only to power, but to his patron—and to do so especially at politically charged times when his patron may be under pressure or may have other reasons for wanting to move in a particular direction in foreign policy. This is more of a question with Brennan than it would have been with David Petraeus if he were still the CIA director. Petraeus was very conscious of the truth-to-power issue, and more generally of the importance of objectivity, when he was appointed. As he himself observed, on matters relating to Afghanistan he might find himself “grading my own work.” Because the issue was recognized and involved obvious matters such as the Afghanistan War, and because there was nothing even remotely resembling a patron-protégé relationship between Petraeus and Obama, the issue was not destined to be a significant problem. The intimate, cloistered nature of the patronage involved in the Obama-Brennan relationship is something quite different.

Against this backdrop—and given how the Obama administration appears to have signed on to the conventional wisdom about unacceptability of an Iranian nuclear weapon—one ought to look more closely at a troubling line in Brennan's statement submitted to the Senate Select Committee on Intelligence for his confirmation hearing. In listing some of the national security challenges that require “accurate intelligence and prescient analysis from CIA,” the statement said: “And regimes in Tehran and Pyongyang remain bent on pursuing nuclear weapons and intercontinental ballistic missile delivery systems rather than fulfilling their international obligations or even meeting the basic needs of their people.” Two countries, Iran and North Korea, get equated in this statement even though one already has nuclear weapons (and recently conducted its third nuclear test) while the other forswears any intention of building any. There are other related differences as well, including ones having to do with international obligations: North Korea renounced the Nonproliferation Treaty in 2003 and has been a nuclear outlaw for ten years, while Iran is a party to the treaty and conducts its nuclear work under IAEA inspections.

The judgment of the U.S. intelligence community is that Iran has not to date decided to build a nuclear weapon and, as far as the community knows, may never make such a decision. One would think that senators would be making better use of time if, instead of asking for the umpteenth time for still more information about the Benghazi incident, they would ask instead why the nominee to be CIA director, by saying that Tehran is “bent on pursuing nuclear weapons,” disagrees with a publicly pronounced judgment of the intelligence community.

If a crunch comes that is related to this issue, perhaps the rest of the intelligence community will play a beneficial role. I have been quite critical of the intelligence reorganization of 2004 as being a poorly thought-out response to the post-9/11 public appetite to do something visible that could be called “reform.”

Uniqueness

Groupthink Fails

Groupthink fails

Shapiro 10.3.1

(Walter, "Groupthink a danger for White House war planners," USA Today, pg lexis//um-ef)

WASHINGTON -- Nearly 40 years ago, nuclear-war theorist Herman Kahn entitled one of his deliberately provocative books, *Thinking About the Unthinkable*. Faced with the current crisis, which makes one almost long for the icy rationalism of the Cold War, there is again a pressing need for guideposts to help fathom the unfathomable. But where is wisdom to be found?

Conversations with former government officials, military thinkers, terrorism experts and academics who study presidential decision-making have provided the grist for this column. The result is not an armchair battle plan for the trying

months ahead, but rather a cautionary lecture against the smug assumption that, in 3 weeks, we have mastered the terrible terrain of terrorism. We all naturally think by way of analogy. That's why the first metaphor that sprang to mind on Sept. 11 was Pearl Harbor, even though the Japanese surprise attack was by naval aircraft against military targets in Hawaii. As Wesleyan University political scientist Martha Crenshaw puts it, "Whenever you're confronted with a new problem, you have to make a link to the familiar. Your mind can't grasp something completely new." There is an implicit danger in this instinctive search for historical parallels, however. The words we choose to describe the threat can end up shaping and limiting our responses. Before Sept. 11, we viewed domestic terrorism primarily in law-enforcement terms and responded to the 1993 bombing of the World Trade Center by trying to bring the perpetrators to justice. Now, with our innocence shattered, we have substituted the language of war. War, even against monomaniacal foes like Adolf Hitler and Saddam Hussein, is premised on the belief that your adversary responds to the basic logic of self-interest. Volumes have been written about the failure of Britain and France to stand up to Hitler when he occupied the Rhineland in 1936 and annexed Austria and dismembered Czechoslovakia in 1938. Even though Saddam survived the Gulf War, U.S. policy since then has been predicated on the philosophy of aggressive containment. But how do you deter suicidal terrorists? It is tempting to talk about retaliation, but the very word implies a tit-for-tat response to evil. There is no cost-benefit analysis that can convince those who planned the attacks that prudence dictates a change in tactics. Where is the middle ground between the seemingly unattainable goal of eradicating terrorists everywhere and the folly of limiting our goal to capturing Osama bin Laden and dismantling his terror networks? Diplomacy, that age-old discipline of persuading by peaceful means, also needs to be rethought in the wake of Sept. 11. Even the Pakistanis have been unable to maintain the fiction that it is possible to negotiate with the Taliban. We, of course, desperately need the cooperation of nations with unsavory histories, such as the Central Asian republics of the former Soviet Union. But it is a mistake to talk in Gulf War terms about an international coalition against terrorism. More realistic than such a global alliance is a series of temporary accommodations built around mutual self-interest with nations that are potentially useful in the struggle. British Prime Minister Tony Blair reflected post-Sept. 11 orthodoxy when he declared Tuesday, "It is time the West confronted its ignorance of Islam." While it is indeed imperative to understand the appeal of Islamic fundamentalism, it may prove limiting to view the terrorist attacks solely in religious terms, however. Even now, we have limited understanding of the glue that held the terrorist teams together as they embarked on their suicidal missions. As we learn more about the activities of the hijackers in the days prior to Sept. 11, it is evident from some of their visits to strip clubs and bars that they deviated from Islamic orthodoxy. As Crenshaw puts it, "Their identity seemed to depend on intense loyalty to the group as much as religious

fanaticism. How did they manage to maintain this group solidarity?" At a time when the deliberations of President Bush's top advisers are shrouded in secrecy, much has been made of the shared Gulf War history of the president's war Cabinet.

But while such pre-existing bonds bring with them the virtues of maturity and experience, there is also a potential downside in limiting decision-making to the chosen few. Presidential scholar Fred Greenstein, a political science professor at Princeton, warns, "Groupthink is a constant danger of groups that spend a lot of time together and develop a strong rapport." Greenstein is referring to the work of Irving Janis, the late social psychologist who wrote the 1972 classic, *Victims of Groupthink*. Analyzing

the decision-making of the close circle of foreign-policy advisers who counseled John Kennedy during both the Bay of Pigs and the Cuban Missile Crisis, Janis theorized that, at times, the desire for group consensus outweighed needed skepticism. Even though the views of Bush's inner circle seem to range from the diplomatic caution of Secretary of State Colin Powell to the hawkish outlook of Paul Wolfowitz, the deputy secretary of Defense, Greenstein suggests that even policy dissents can become as ritualized as Japanese Kabuki theater. Greenstein, it must be stressed, is not challenging the competence of the president's team nor the wisdom of their

public pronouncements during this wrenching crisis. Rather, Greenstein's cautionary words can be interpreted as an argument for vigorous and more open debate about policy options in the months ahead. For that is the true test facing the nation: Can democracy be reconciled with the demands of national security?

Uniq: Yes Groupthink

Obama at risk of Groupthink now – ensures foreign policy failures

Milbank 14

(Dana, "The groupthink surrounding Obama," Washington Post, 6/11, pg lexis//um-ef)

Of the many strange moments in the Bowe Bergdahl saga, the most worrisome was Defense Secretary Chuck Hagel's statement about the prisoner exchange.

"The president feels very strongly about this. I feel very strongly about it," Hagel told the BBC's Katty Kay last week while traveling in Romania. "This was the right decision for the right reasons."

They felt they were right even about rushing the swap with the Taliban before informing Congress. "It was our judgment, and it was unanimous, by the way," Hagel said. "It was the secretary of defense, secretary of state, chairman of the joint chiefs of staff, director of national intelligence, attorney general. We all came to the same conclusion. . . ."

And this is precisely the problem. President Obama felt "very strongly" that he had made the right decision - and nobody who worked for him was about to tell him otherwise. "There was not a dissent on moving forward with this plan," Ben Rhodes, a deputy national security adviser, told Time magazine.

I don't doubt these accounts about Obama's agreeable advisers. Such affirmations of Obama's instincts are what has worried me about the way Obama has structured his administration in his second term: By surrounding himself with longtime loyalists in the White House and on his national-security team, he has left himself with advisers lacking either the stature or the confidence to tell him when he's wrong.

Exactly a year before Hagel made his remarks, I wrote about the "incestuous arrangement" Obama was creating in his inner circle, replacing his first-term "team of rivals" by promoting friends and loyalists to top posts: Denis McDonough, John Brennan, Susan Rice, Samantha Power, Jack Lew and many more. Hagel, Secretary of State John Kerry and Vice President Biden were all Obama's pals from the Senate Foreign Relations Committee. The danger with such an arrangement is you create a bubble around yourself, and your advisers become susceptible to groupthink.

In the Bergdahl case, the problem wasn't the exchange itself. There are compelling moral and historical justifications for swapping prisoners at the end of a war, and the Republican efforts to turn the negotiations with the Taliban into another "scandal" are far-fetched. As The Post's David Fahrenthold and Jaime Fuller have documented, many of Obama's critics have opportunistically switched positions on Bergdahl.

The real damage was self-inflicted: choosing to highlight the exchange with a Rose Garden ceremony featuring Bergdahl's eccentric father, and then allowing Rice, the national security adviser, to go on television and say Bergdahl served with "honor and distinction" even though administration officials had to know this was in dispute.

Even if Obama doubted the constitutionality of the law requiring him to give Congress 30 days' notice before removing prisoners from Guantanamo Bay, would it really have been a huge security risk to place

phone calls to Sen. Dianne Feinstein (D-Calif.) and Rep. Mike Rogers (R-Mich.), the intelligence committee chairmen, before he finalized the deal? At the very least, they might have cautioned Obama against a victory lap around the Rose Garden.

I'm told that Obama's advisers didn't check with Congress in part because they knew lawmakers would object. But now Obama is hearing objections from the public instead. A USA Today/Pew Research poll out Tuesday shows that a majority of Americans believe the United States had a responsibility to bring Bergdahl home. But by two to one, Americans think the president should inform Congress before making prisoner swaps, which helps explain why a plurality, 43 percent to 34 percent, say Obama was wrong to make the Bergdahl deal.

Senior administration officials I spoke to Tuesday said they weren't expecting the swap to be as controversial as it is. But even in retrospect, they told me, they wouldn't have done things differently (not even the Rose Garden event or the lack of a heads up to Congress), arguing that the exchange went smoothly and that Obama had shown leadership. A White House official apologized to Feinstein, calling it an oversight that she wasn't consulted. That itself shows how little value the administration puts in the advice and consent of Congress - as if it's a legal box to be checked, not a valuable source of a second opinion that could rescue the president from his bubble of loyalists.

More than a decade ago, a different administration's groupthink got us into a war in Iraq, which distracted the military from the more important war in Afghanistan and unnecessarily prolonged that conflict. Now, as Obama finally withdraws the last troops from Afghanistan, he'll be a more effective president if he can also remove himself from the groupthink produced by his adoring acolytes.

Yes groupthink – applies to Obama

Ignatius 13

(David, associate editor and columnist for the New York Post, "Out: Team of rivals. In: Obama's guys." February 22, 2013. http://www.washingtonpost.com/opinions/david-ignatius-in-obamas-new-cabinet-rivals-out-loyalists-in/2013/02/22/13f2f27e-7c73-11e2-82e8-61a46c2cde3d_story.html)

During President Obama's first term, there was hidden friction between powerful Cabinet secretaries and a White House that wanted control over the foreign-policy process. Now Obama has assembled a new team that, for better or worse, seems more likely to follow the White House lead. The first term featured the famous "team of rivals," people with heavyweight egos and ambitions who could buck the White House and get away with it. Hillary Clinton and Bob Gates were strong secretaries of state and defense, respectively, because of this independent power. Leon Panetta had similar stature as CIA director, as did David Petraeus, who became CIA director when Panetta moved to the Pentagon. The new team has prominent players, too, but they're likely to defer more to the White House. Secretary of State John Kerry has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so. Chuck Hagel, who will probably be confirmed next week as defense secretary, is a feisty combat veteran with a sometimes sharp temper, but he has been damaged by the confirmation process and will need White House cover. John Brennan, the nominee for CIA director, made a reputation throughout his career as a loyal deputy. This was especially true these past four years, when he carried the dark burden of counterterrorism policy for Obama. It's a Washington truism that every White House likes Cabinet consensus and hates dissent. But that's especially so with Obama's team, which has centralized national security policy to an unusual extent. This starts with national security adviser Tom Donilon, who runs what his fans and critics agree is a "tight process" at the National Security Council (NSC). Donilon was said to have been peeved, for example, when a chairman of the Joint Chiefs of Staff insisted on delivering a dissenting view to the president. This centralizing ethos will be bolstered by a White House team headed by Denis McDonough, the new chief of staff, who is close to Obama in age and temperament. Tony Blinken, who was Vice President Biden's top aide, has replaced McDonough as NSC deputy director, and State Department wunderkind Jacob Sullivan, who was Clinton's most influential adviser, is expected to replace Blinken.

That's lot of intellectual firepower for enforcing a top-down consensus. The real driver, obviously, will be Obama, and he has assembled a team with some common understandings. They share his commitment to ending the war in Afghanistan and avoiding new foreign military interventions, as well as his corresponding belief in diplomatic engagement. None has much experience managing large bureaucracies. They have independent views, to be sure, but they owe an abiding loyalty to Obama. In Obama's nomination of people skeptical about military power, you can sense a sharp turn away from his December 2009 decision for a troop surge in Afghanistan. The White House felt jammed by the military's pressure for more troops, backed by Gates and Clinton. Watching Obama's lukewarm support for the war after 2009, one suspected he felt pushed into what he eventually concluded was a mistake. Clearly, he doesn't intend to repeat that process. Obama's choice for CIA director is also telling. The White House warily managed Petraeus, letting him run the CIA but keeping him away from the media. In choosing Brennan, the president opted for a member of his inner circle with whom he did some of the hardest work of his presidency. Brennan was not a popular choice at the CIA, where some view him as having been too supportive of the Saudi government when he was station chief in Riyadh in the 1990s; these critics argue that Brennan didn't push the Saudis hard enough for intelligence about the rising threat of Osama bin Laden. But agency officials know, too, that the CIA prospers when its director is close to the president, which will certainly be the case with Brennan and Obama. Obama has some big problems coming at him in foreign policy, starting with Syria and Iran. Both will require a delicate mix of pressure and diplomacy. To get the balance right, Obama will need a creative policy debate where advisers "think outside the box," to use the management cliché. Presidents always say that they want that kind of open debate, and Obama handles it better than most. But by assembling a team where all the top players are going in the same direction, he is perilously close to groupthink.

Groupthink likely and applies to Obama

Thompson, 13

(Pulitzer Prize-winner Mark Thompson has covered national security in Washington since 1979, and for Time since 1994, 3/4, "Decision-Making, Lite", March 04, 2013 <http://nation.time.com/2013/03/04/decision-making-lite/>)

How much outside advice – from the Pentagon and other places – does a President need before making national-security decisions? Plainly he doesn't need any, short of going to war (and even that is now in question, as we'll get to later). But it's good politics to share such decision-making. First of all, it invests the wider circle in the policy's ultimate success. Secondly, when things go wrong – and invariably, they do – it's better not to be the only one holding the bag. We noted recently the dearth of advice President Obama got as he made his decision to cut the 66,000 U.S. troops now in Afghanistan by 34,000 – more than half – over the coming year. It seemed just a little strange that the Army's No. 2 officer – now off to run U.S.

Central Command, which includes Afghanistan – knew nothing of the number. "I was not a part of the process that helped to generate the proposals for the numbers of troops to be drawn down, and the rate at which they should be drawn down," General Lloyd Austin told the Senate Armed Services Committee at his Feb. 14 confirmation hearing, two days after Obama announced the figure during his State of the Union address. Austin declined to say he supported the pace of the ramp down, when asked about it, and seemed to correct Sen. John McCain, R-Ariz., when McCain concluded Austin had been "excluded" from the internal debate on the issue. "I was not included," Austin countered. Even given your imminent responsibility overseeing the war in Afghanistan? McCain responded. "I was not included," Austin said again. Then Battleland learned, from someone who has been in the tank with the Joint Chiefs of Staff in recent months, that the nation's senior military advisers hadn't discuss the wisdom of the 34,000 number, either. "The first time I heard the number 34,000," said one senior military officer who was in the Joint Chiefs' secret meeting room for the recent sessions, "was during the State of the Union."

Why are such decisions being made without the input of senior U.S. military leaders? What's the point of having a super-secret tank inside the Pentagon if the Joint Chiefs don't use it to debate and devise the right military strategy? Plainly, the President got advice from Army General Martin Dempsey, chairman of the Joint Chiefs, Marine General John Allen, the four-star officer in command of the Afghan war at the time, and his successor, four-star Marine General Joe Dunford, who assumed command four days before the State of the Union speech. But what about everybody else? Discussing the topic with former top Pentagon officials, both in an out of uniform, leads to several suggestions responsible for the current state of affairs. First, the Pentagon itself has choked down on the flow of information, even among its most senior leaders. It was the one-two punch of the attacks of 9/11, combined with then-Defense Secretary Don Rumsfeld's close-hold management style, that has limited such military consultations, several officials say. The tight hold on information, they contend, continued into the tenures of defense secretaries Robert Gates and Leon Panetta. "Rumsfeld had been defense secretary the first time (1975-77) pre-Goldwater-Nichols," one retired four-star officer says, referring to the 1986 law that empowered the chairman of the Joint Chiefs while diminishing the role of the service chiefs. "It's been pretty much that way ever since: the Joint Chiefs have sort of taken a back seat, and many have complained about it." Rumsfeld also didn't care for the increased clout given regional commanders, like U.S. Central Command, under Goldwater-Nichols, these officers say. He barred the term "commander-in-chief" – CINC (pronounced "sink") – for combatant commanders, thinking it should be reserved for the President. And the regional commanders' clout – represented by their four-star rank – was diluted once the guys actually running the wars one level beneath them were promoted to four-star rank, too. In Iraq, the first four-star war commander was General George Casey (2004-07), followed by Army generals David Petraeus (2007-08) Ray Odierno (2008-10) and Austin (2010-2011). In Afghanistan, the first U.S. four-star war commander was Army General Dan McNeill (2007-08), followed by Army generals David McKiernan (2008-09), Stanley McChrystal (2009-10) and Petraeus (2010-2011). The last pair of four-star officers in command have been Marine generals Allen (2011-13) and Dunford. "This encourages Washington to deal directly with the field commander, keeping the CINC from really getting engaged, except for coming back for hearings," the retired four-star says. "Regional commanders think differently than a theater commander who's out there for a year or two, and they've changed commanders every year in Afghanistan." That, in turn, removes the regional calculation from much recent U.S. war strategy. "None of these conflicts is bound within the borders of a single country," another senior officer says. "The war in Afghanistan involves Pakistan, Iran, central Asia and NATO...but when all the focus is on the theater commander, the regional context tends to be ignored." The fact that the chiefs weren't solicited for their views before deciding on how fast U.S. troops would pull out of Afghanistan has upset both currently-serving and retired senior officers. "The service chiefs' voice is critically important," says one, "because the service chiefs are the providers of the forces to the fight. All three elements – giving theater commanders four stars, cutting down on input from regional commanders, and sidelining the service chiefs who together make up the Joint Chiefs of Staff – could cause trouble." The problem comes from making them four-stars, and letting them bypass the regional commanders and the Joint Chiefs," the four-star officer says. "It sort of throws out the whole concept of Goldwater-Nichols, which was sort of this more collegial body that presented the best advice and offered differing views. It means you don't know the long-term damage you're doing, the consequences of your actions, you don't know the regional impact of what you're doing, and you don't know the costs that you're inflicting on the services – those are the downsides." A former top Pentagon civilian says he felt it was "vital" that "the service chiefs and the combatant commanders [were] fully involved in discussions about the key

issues we were facing." Such debates "are, by their nature, extremely complex and will benefit from the fullest possible consideration." And, he continues, there's a benefit to expanding the number of those involved in such decisions to make the nation's senior military leaders part of the process.¹

found them to be entirely comfortable with the notion of civilian control," he adds, "and all the more so when they felt consulted and respected by those civilians." **This tendency to keep one's military cards close to the presidential vest could come back to haunt Obama. It is already spreading to his civilian foreign-policy advisers** the Washington Post's David Ignatius warned in a Feb. 22 column, and **he "is perilously close to groupthink."** The same day, in the Wall Street Journal, Mackubin Owens, a professor at the Naval War College, said he is dismayed by reports that **Marine General James Mattis was booted from his Central Command post (making room for Austin) because he disagreed too often with the White House's view.** "A president has every right to choose the generals he wants, but it is also the case that he usually gets the generals he deserves," Owens wrote. "By pushing Gen. Mattis overboard, the administration sent a message that it doesn't want smart, independent-minded generals who speak candidly to their civilian leaders. What other generals and admirals are likely to take from this is that they should go along to get along, a very bad message for the health of U.S. civil-military relations." The same bug apparently spread to the State Department as well. "My time in the Obama administration turned out to be a deeply disillusioning experience. The truth is that his administration made it extremely difficult for its own foreign-policy experts to be heard," writes Vali Nasr, a former top aide to the late Richard Holbrooke, charged with managing the Afghan-Pakistan diplomatic portfolio during Obama's first term. "The president had a truly disturbing habit of funneling major foreign-policy decisions through a small cabal of relatively inexperienced White House advisors whose turf was strictly politics," Nasr writes in an excerpt from his forthcoming book, *The Dispensable Nation*, published on the Foreign Policy website Monday. **This lack of consultation may not be limited** to relations among elements of the Administration. James Webb – ex-Democratic senator from Virginia, Navy secretary during the Reagan Administration, and a highly-decorated Marine infantry officer in Vietnam – says **the Administration is stifling Congress**, too (in part because Congress finds it convenient to avoid taking a stand on the use of military force that might turn too bloody for its constituents). **Congressional approval**, which used to be a given in matters of war and peace, **has become a quaint artifact of a bygone era**, Webb argues in the latest issue of *The National Interest*. "In May 2012, after what was officially termed 'a year-and-a-half of negotiations,' President Obama traveled overnight to Afghanistan in order to sign a strategic partnership agreement with Afghan president Hamid Karzai. The agreement was characterized by the White House as 'a legally binding executive agreement, undertaken between two sovereign nations,'" Webb writes. "It is difficult to understand how any international agreement negotiated, signed and authorized only by our executive branch of government can be construed as legally binding in our constitutional system. And, with respect to Afghanistan, one strains to find the rationale under which the president alone holds the power to commit our country to a long-term economic and security arrangement that far transcends his authority as commander in chief to oversee combat operations against international terrorism. If such an agreement were 'legally binding,' one must ask what law binds it and how, and against whom it would be enforced?" Things got even worse in when the U.S. and NATO began bombing Libya in March 2011. Webb asserts: Was our country under attack, or under the threat of imminent attack? No. Was a clearly vital national interest at stake? No. Were we invoking the inherent right of self-defense as outlined in the UN Charter? No. Were we called upon by treaty commitments to come to the aid of an ally? No. Were we responding in kind to an attack on our forces elsewhere, as we did in the 1986 raids in Libya after American soldiers had been killed in a Berlin disco? No. Were we rescuing Americans in distress, as we did in Grenada in 1983? No... Under the objectively undefinable rubric of "humanitarian intervention," President **Obama has** arguably **established the authority of the president to intervene** militarily virtually **anywhere without the consent** of Congress, at his own discretion and for as long as he wishes. **It is not hyperbole to say that the president himself can now bomb a country with which we maintain diplomatic relations, in support of loosely aligned opposition groups** that do not represent any coalition that we actually recognize as an alternative. **We know he can do it because he already has done it.**

Groupthink increasing—Obama 2nd term appointed a cabinet of Obama loyalists.

Pillar 13

(Paul R. Pillar is Nonresident Senior Fellow at the Center for Security Studies at Georgetown University and Nonresident Senior Fellow in Foreign Policy at the Brookings Institution. He is a contributing editor to *The National Interest* "The Danger of Groupthink" *The National Interest*. February 26, 2013. <http://nationalinterest.org/blog/paul-pillar/the-danger-groupthink-8161?page=1>)

David Ignatius has an interesting take on national security decision-making in the Obama administration in the wake of the reshuffle of senior positions taking place during these early weeks of the president's second term. **Ignatius perceives certain patterns that he believes reinforce each other in what could be a worrying way. One is that the new team does not have as much "independent power" as such first-term figures as Clinton, Gates, Panetta and Petraeus. Another is that the administration has "centralized national security policy to an unusual extent" in the White House. With a corps of Obama loyalists, the substantive thinking may, Ignatius fears, run too uniformly in the same direction.** He concludes his column by stating that "by assembling a team where all the top players are going in the same direction, he [Obama] is perilously close to groupthink." **We are dealing here with tendencies to which the executive branch of the U.S. government is more vulnerable than many other advanced democracies**, where leading political figures with a standing independent of the head of government are more likely to wind up in a cabinet. This is especially true of, but not limited to, coalition governments. Single-party governments in Britain have varied in the degree to which the prime minister exercises control, but generally room is made in the cabinet for those the British call "big beasts": leading figures in different wings or tendencies in the governing party who are not beholden to the prime minister for the power and standing they have attained. Ignatius overstates his case in a couple of respects. Although he acknowledges that Obama is "better than most" in handling open debate, he could have gone farther and noted that there have been egregious examples in the past of administrations enforcing a national security orthodoxy, and that the Obama administration does not even come close to these examples. There was Lyndon Johnson in the time of the Vietnam War, when policy was made around the president's Tuesday lunch table and even someone with the stature of the indefatigable Robert McNamara was ejected when he strayed from orthodoxy. Then there was, as the most extreme case, the George W. Bush administration, in which there was no policy process and no internal debate at all in deciding to launch a war in Iraq and in which those who strayed from orthodoxy, ranging from Lawrence Lindsey to Eric Shinseki, were treated mercilessly. Obama's prolonged—to the point of inviting charges of dithering—internal debates on the Afghanistan War were the polar opposite of this. Ignatius also probably

underestimates the contributions that will be made to internal debate by the two most important cabinet members in national security: the secretaries of state and defense. He says John Kerry “has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so.” The heft matters, and Kerry certainly qualifies as a big beast. Moreover, the discreet way in which a member of Congress would carry any of the administration's water, as Kerry sometimes did when still a senator, is not necessarily a good indication of the role he will assume in internal debates as secretary of state. As for Chuck Hagel, Ignatius states “he has been damaged by the confirmation process and will need White House cover.” But now that Hagel's nomination finally has been confirmed, what other “cover” will he need? It's not as if he ever will face another confirmation vote in the Senate. It was Hagel's very inclination to flout orthodoxy, to arrive at independent opinions and to voice those opinions freely that led to the fevered opposition to his nomination. Nevertheless, Ignatius is on to something that is at least a potential hazard for the second Obama term. The key factor is not so much the substantive views that senior appointees bring with them into office. As the cliché goes, a president is entitled to have working for him people who agree with his policies. The issue is instead one of how loyalty—not only to the president, but collective loyalty as part of the president's inner circle—may affect how senior officials express or push views once they are in office. In this regard it is useful to reflect on the meaning of “groupthink.” The term has come to be used loosely as a synonym for many kinds of conventional wisdom or failure to consider alternatives rigorously. But the father of research on groupthink, the psychologist Irving Janis, meant something narrower and more precise. Groupthink is pathology in decision-making that stems from a desire to preserve harmony and conformity in a small group where bonds of collegiality and mutual loyalty have been forged. It is the negative flip side of whatever are the positive attributes of such bonds. LBJ's Tuesday lunch group was one of the original subjects of Janis's writing.

Internals

2AC ITP = Group Think

ITP program based on EO 13587 creates snitching that results in co-workers attacking each and the development of “Groupthink”

Kuvach 2013 - Writing Fellow at Hampshire College, Research intern, Published research on corporate codes of conduct in Pakistan and The Philippines in Verité’s 2011 global update on 27 emerging market countries, Researched key aspects of country labor laws relating to standard corporate codes of conduct in Pakistan and The Philippines, including: child labor, freedom of association and collective bargaining, contract labor, wages and benefits, Edited 2010 report on corporate codes of conduct in Pakistan and The Philippines (Kyla, “Insider Threat’ program promotes spying on colleagues,” July 2, 2013 [//CEB](http://www.bordc.org/blog/insider-threat-program-promotes-spying-colleagues)

On October 7, 2011 President Obama released Executive order 13587, presenting a program that was ignored by major media coverage until recently. The Executive Order purports to address "Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information," embedded in which was his introduction of the Insider Threat Task Force. Until a recent article by McClatchy, however, it had gone largely unacknowledged by those concerned with the safety of whistleblowers in the post-Bradley Manning era. Even now, with the "Where in the world is Edward Snowden?" conversation, the Insider Threat Program remains largely outside the realm of discussion despite its enormous implications for government transparency and the rights of whistleblowers. The Insider Threat Program relies largely on one modus operandi: government-mandated snitching. Federal agency employees and their supervisors are instructed to be on the look-out for and report "high-risk persons or behaviors." Though this may seem vague, the program kindly clarifies that some specific instances that would prompt the categorization of individuals as "high-risk" would be stress, divorce or financial problems. The program is a psychological "If you see something, say something," which potentially criminalizes anyone in the workplace who may be in an emotional slump. An individual going through a tough divorce, suffering the loss of a loved one, or struggling to make ends meet then has become the vaguely dangerous INSIDER THREAT. I offer no exaggeration in this language: the program turns federal agencies like the Peace Corps, the Social Security Administration and the Educational and Agricultural Departments into noir-like environments, where each individual is potentially more paranoid and more guilty than the next. Though the "indicators" that may potentially signify threats are vague and, one might argue, not an employer's business (let alone the government's), the Program renders such individual behavior in the workplace a matter of national security. Officials stated that Bradley Manning, for example, "exhibited behavior that could have forewarned his superiors that he posed a security risk" - perhaps they would argue the same for Edward Snowden, who had been a "trusted insider" before his leak. The general consensus seems to be that concerning oneself with co-workers' personal lives is necessary to the safety of our country. Let's assume that some co-workers had suspected that Manning and Snowden might be "up to no good." If these co-workers did not snitch under the Insider Threat Program, they are now required to turn themselves or others in for failing to report breaches in security. The danger here, as the news-breaking McClatchy article pointed out, is that a tendency towards dangerous "group think" develops, "the kind that was blamed for the CIA's erroneous assessment that Iraq was hiding weapons of mass destruction, a judgment that underpinned the 2003 U.S. invasion." In the midst of "group think" danger and general paranoia, the Insider Threat Program continues to be fairly ineffective. Edward Snowden's success in leaking NSA secrets stands as a prime example of this: the Insider Threat Program was fully operational, but Snowden still managed to release sensitive government information. Snowden's successful release of information may lead to an even more aggressive mutation of the Insider Threat Program, perhaps involving some material reward for snitches. The McClatchy article quotes Kel McClanahan, a Washington lawyer who specializes in national security law, as saying, "The only thing they haven't done here is reward [snitching]...I'm waiting for the time when you turn in a friend and you get a \$50 reward." Though the Insider Threat Program seems almost a caricature, it cannot be taken lightly. It stands as yet another breach of privacy under the Obama presidency, and one that will likely become more aggressive in days to come. In addition to requiring snitching, the program equates leaking information to journalists (whether classified or not) with espionage. Not only are governmental employees at risk of being classified as an "Insider Threat" for having a bad day, but the general public is at risk of losing the information passed along to the media by whistleblowers like Manning and Snowden.

IThreat Spills-Over

Agencies are using the Insider Threat Program to take unauthorized information and classified data

Taylor and Manday 13- investigative reporter and intelligence reporter

(Marissa and Jonathan, Obama's crackdown views leaks as aiding enemies of U.S., <http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html>) JB

Even before a former U.S. intelligence contractor exposed the secret collection of Americans' phone records, the Obama administration was pressing a government-wide crackdown on security threats that requires federal employees to keep closer tabs on their co-workers and exhorts managers to punish those who fail to report their suspicions. President Barack Obama's unprecedented initiative, known as the Insider Threat Program, is sweeping in its reach. It has received scant public attention even though it extends beyond the U.S. national security bureaucracies to most federal departments and agencies nationwide, including the Peace Corps, the Social Security Administration and the Education and Agriculture departments. It emphasizes leaks of classified material, but catchall definitions of "insider threat" give agencies latitude to pursue and penalize a range of other conduct. Government documents reviewed by McClatchy illustrate how some agencies are using that latitude to pursue unauthorized disclosures of any information, not just classified material. They also show how millions of federal employees and contractors must watch for "high-risk persons or behaviors" among co-workers and could face penalties, including criminal charges, for failing to report them. Leaks to the media are equated with espionage. "Hammer this fact home . . . leaking is tantamount to aiding the enemies of the United States," says a June 1, 2012, Defense Department strategy for the program that was obtained by McClatchy. The Obama administration is expected to hasten the program's implementation as the government grapples with the fallout from the leaks of top secret documents by Edward Snowden, the former National Security Agency contractor who revealed the agency's secret telephone data collection program. The case is only the latest in a series of what the government condemns as betrayals by "trusted insiders" who have harmed national security.

gov agencies silence ALL dissent – not just classified info

Whistleblowing Today, 2013

(staff, "Obama's 'insider threat' program sends chill across government", whistleblowingtoday.org/2013/06/obamas-insider-threat-program-sends-chill/)

McClatchy reporters Marisa Taylor and Jonathan S. Landay provide a startling update on President Obama's Insider Threat Program in the article, "Obama's crackdown views leaks as aiding enemies of U.S." President Obama announced the program in an October 7, 2011 executive order. There is established an interagency Insider Threat Task Force that shall develop a Government-wide program (insider threat program) for deterring, detecting, and mitigating insider threats, including the safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels, as well as the distinct needs, missions, and systems of individual agencies. This program shall include development of policies, objectives, and priorities for establishing and integrating security, counterintelligence, user audits and monitoring, and other safeguarding capabilities and practices within agencies. The impacts go beyond intelligence agencies and classified information. On Democracy Now!, Landay said that agencies and departments "are not only going after leaks of classified information but leaks...unauthorized leaks...of any information at all. That appears to violate the intent of the President's executive order, which states: The entities created and the activities directed by this order shall not seek to deter, detect, or mitigate disclosures of information by Government employees or contractors that are lawful under and protected by the Intelligence Community Whistleblower Protection Act of 1998, Whistleblower Protection Act of 1989, Inspector General Act of 1978, or similar statutes, regulations, or policies. Government agencies like the Department of

Agriculture have long histories of labeling as “traitors” employees who disclose any kind of agency wrongdoing. With that in mind, USDA’s online tutorial, “Treason 101,” is especially disturbing. In the current environment, anyone who considers contacting a reporter should use great caution and make certain the reporter is handling their information securely. Landay said he began taking “extreme precautions about protecting my sources before the Edward Snowden case because it became quite obvious to me several years ago that there was a chance...because of all the electronics we use...there was a chance that my own cellphone could be used to track down who my sources were.”

ITP = Chilling Effect

FDA constitutional violations chill action, precluding reform

Congressional joint staff report, 2014, (February 26, 113th Congress, "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers" oversight.house.gov/wp-content/uploads/2014/02/FDA-Staff-Report-final.pdf)

Upon learning CDRH scientists publicly disclosed information about pending device applications, known as 510(k) applications, CDRH management initiated an electronic surveillance program of unprecedented scope. To determine which scientists were disclosing information and what specific information they were disclosing, the CDRH engaged two contractors working on the FDA's information technology security systems in April 2010 to begin monitoring Dr. Smith.⁵ Approximately one month later, the monitoring expanded to another CDRH scientist.⁶ Using a software monitoring program called Spector 360, which took screenshots of FDA employees' computers every five seconds,⁷ FDA officials were able to obtain sensitive information and protected communications, including attorney-client¹ communications, communications with Congress, and communications with the OSC. The FDA intercepted communications with congressional staffers and draft versions of whistleblower complaints complete with editing notes in the margins.⁸ The agency also took electronic snapshots of the computer desktops of the FDA employees and reviewed documents and files they saved on the hard drives of their government computers as well as personal thumb drives attached to their computers. ⁹ FDA even reconstructed files that had been deleted from personal thumb drives prior to the device being used on an FDA computer. The contractors conducting the investigation prepared an interim report to update FDA officials.¹⁰ This report, which was sent to Deputy Chief Information Officer Lori Davis on June 3, 2010, attempted—yet could not definitively support—a link to Dr. Smith with the release of^{510(k)} information to non-FDA employees.¹¹ The report described information found on Dr. Smith's computer, including e-mails with journalists, Congress, and the Project on Government Oversight.¹² The report also stated that Dr. Smith "ghostwrote" reports for his subordinates and supplied internal CDRH documents to external sources.¹³ After receiving this report, the FDA expanded the computer monitoring to include three additional CDRH scientists¹⁴ and declined to renew Dr. Smith's contract.¹⁵ FDA officials also contacted the Department of Health and Human Services (HHS) Office of Inspector General (OIG) on numerous occasions to request an investigation into the disclosures.¹⁶ The OIG declined these requests, noting that contacts with the media and Congress were lawful, and no evidence of criminal conduct existed.¹⁷ Despite the OIG's repeated refusal to investigate, the FDA continued to monitor Dr. Smith and his colleagues in the hope of finding enough evidence to convince the OIG to take action.¹⁸ However, the FDA failed to take direct administrative or management action on its own to address the concerns directly. ⁸ Ellen Nakashima and Lisa Rein, FDA staffers sue agency over surveillance of personal e-mail, FDA officials eventually forwarded information gathered from the computer monitoring program to the OIG. ¹⁹ The OIG contacted the Criminal Division of the Department of Justice to determine whether the evidence collected by the FDA against Dr. Smith and his colleagues supported a criminal referral. ²⁰ In November 2010, by letter, the Criminal Division formally declined to take up the matter. ²¹ FDA's overly-invasive monitoring program came to light in January 2012, when Dr. Smith and several of his colleagues filed a lawsuit in U.S. District Court in Washington, D.C. The suit alleged that information gathered during the monitoring was used to harass or dismiss at least six current and former FDA employees. House Committee on Oversight and Government Reform Chairman Darrell Issa and Senate Committee on the Judiciary Ranking Member Charles Grassley (the Committees) subsequently launched a joint investigation into the monitoring program. In May 2012, documents associated with the monitoring were posted on a public internet site. Included in these materials were confidential and proprietary FDA documents, as well as confidential communications between FDA employees and Congress, the OSC, and personal attorneys.²² Witnesses who contacted the Committees voiced concerns about the intrusive nature of the surveillance, and the irresponsibility in posting the fruits of the surveillance on the Internet for anyone to see. They believed that the FDA conducted surveillance for the sole purpose of retaliating against the scientists for raising concerns about the medical device review process. The Committees conducted seven transcribed interviews with current and former FDA employees and contractors and reviewed approximately 70,000 documents. The pace of the Committees' investigation was slowed by FDA's unwillingness to cooperate. The FDA repeatedly cited the ongoing litigation with Dr. Smith and his colleagues as an excuse to withhold documents and information. Documents and information obtained by the Committees show the FDA conducted this monitoring program without regard for employees' rights to communicate with Congress, the OSC, or their personal attorneys. The Committees' investigation also found that data collected could be used to justify adverse personnel actions against agency whistleblowers. Absent a lawful purpose, an agency should not conduct such invasive monitoring of employees' computer activity. The FDA failed not only to manage the monitoring program responsibly, but also to consider any potential legal limits on its authority to conduct surveillance of its employees. The Committees' investigation has shown that agencies need clearer policies addressing appropriate monitoring practices to ensure that agency officials do not order or

conduct surveillance beyond their legal authority or in order to retaliate against whistleblowers, especially in such a way that chills whistleblower communications with Congress, the OSC, and Inspectors General. ²³ Congress has a strong interest in keeping such lines of communication open, primarily as a deterrent to waste, fraud, and abuse in Executive Branch departments and agencies. Whistleblower disclosures are protected by law,

even if they are ultimately unsubstantiated, so long as the disclosure was made in good faith. Accordingly, the analysis of the issues examined in this report is not dependent on the merits of the underlying claims that whistleblowers made about the safety of certain medical devices. Thus, this report does not examine the merits of those underlying claims and takes no position on whether the devices in question posed a risk to public health.

now key for reform– rise of insider threat programs, Obama policies prove it's getting worse

Rothschild 11, [senior editor of The Progressive magazine] (Matthew, The Progressive 75.2: 8-9, "Obama Grabs Repressive Tools"

search.proquest.com.proxy.lib.umich.edu/docview/849509684/fulltext/400D5FD7912A4273PQ/1?accountid=14667)

Whistleblowers and solidarity activists beware: The **Obama Administration may be coming after you. It is using the repressive powers of the state to try to send a chill down the backs of many people who might dream of opposing U.S. policy.** The WikiLeaks revelations fell like a hammer on the repressive reflex of those in power. God forbid that in a democracy the citizenry actually knows what its government is up to, but pundits and politicians alike viewed the publication of Pentagon documents and State Department cables as the gravest possible assault. The **Pentagon tossed Private Bradley Manning, who is suspected of spilling documents to WikiLeaks, into solitary confinement for the last half year "for no discernable reason other than punishment,"** said Psychologists for Social Responsibility. The group added that **"solitary confinement is, at the very least, a form of cruel, unusual, and inhumane treatment in violation of U.S. law."** That was just the beginning. Attorney General Eric Holder opened a criminal investigation of Julian Assange and threatened to charge him under the Espionage Act of 1917. And both houses of Congress introduced bills to amend that oppressive act to make it even more oppressive. **Anyone would be guilty of violating the Espionage Act if that person knowingly and willfully disseminated any classified information about U.S. human intelligence activities** "in any manner **prejudicial to the safety or interest of the United States.**" Note the immense sweep of "in any manner." And who would define "the safety," much less the "interest," of the United States? Under this elastic language, The New York Times and The Washington Post would have committed a crime when they published the Pentagon Papers. The **dusting off and polishing of the Espionage Act should fill you with great alarm.** As Naomi Wolf has argued so well, **members of Congress and the White House "are manipulatively counting on Americans to have no knowledge or memory of the dark history of the Espionage Act,** a history that should alert us all at once to the fact that this Act **has only ever been used** - was designed deliberately to be used - specifically and viciously **to silence people** like you and me." She reminds us that Eugene Victor Debs was sentenced to ten years in prison "for daring to read the First Amendment in public," and that "E. E. Cummings spent three and a half months in a military detention camp under the Espionage Act for the 'crime' of saying that he did not hate Germans." But don't be surprised if the revision of the Espionage Act goes through. Senators Scott Brown, John Ensign, and Joe Lieberman introduced it in the Senate, and the Republicans control the House. So we may see bipartisanship in the service of repression. Meanwhile, according to an Office of Management and Budget memo that NBC got a hold of, federal agencies are supposed to develop **an "insider threat program."** **Under this program, federal supervisors would be on the watch for "behavioral changes" that** somehow would **suggest** that **employees may be leakers.** Agencies are also supposed to hire psychiatrists to gauge the "despondence or grumpiness" of their employees as an indicator of "trustworthiness." **Polygraphs are coming back.** What's more, **supervisors are supposed to "capture evidence" of "postemployment activities."** So if you're a federal employee, you may become a perpetual suspect - even when you retire. That's enough to make anyone grumpy or despondent. But it's not like President Obama waited for the WikiLeaks controversy to start clamping down. The most ominous assault had nothing to do with WikiLeaks. On September 24, Obama's FBI descended on the homes and workplaces of fourteen socialists and solidarity activists working on Palestinian and Colombian issues in the Midwest. Many of the activists had helped organize protests against the Republican National Convention in Minneapolis in 2008. Twenty-five FBI agents came to the door of longtime Chicago activists Joe Iosbaker and Stephanie Weiner at 7:00 in the morning. The feds stayed for ten hours, rummaging through their house, and then leaving with

thirty boxes of their belongings. The agents even went through their son's T-shirt drawer and separated those that they considered controversial from those they didn't, says Weiner. At one point, the agent in charge was called in to evaluate one of the shirts because it said "Hellboy" on it, she recalls. The pretext for this raid, and others that followed, was that the activists were "providing material support" or "attempting to provide material support" or "conspiring to provide material support" to groups that are listed by the State Department as terrorists. Providing "material support" became a crime as part of Bill Clinton's Antiterrorism and Effective Death Penalty Act of 1996. Under the Patriot Act, the law was amended to define "material support" as providing "any property, tangible or intangible, or service," and that service includes providing "expert advice or assistance." The Obama Administration defended the statute before the Supreme Court last June in a case called Holder v. Humanitarian Law Project. Then-Solicitor General Elena Kagan argued that even if human rights activists were urging groups on the terrorist list to disperse with their violent activities, the activists would still be guilty of providing "expert advice" and therefore could face fifteen years behind bars. Kagan and the Obama Administration prevailed in a 6-3 decision by the Court. The Court ruled - for the first time in its history - that speech advocating only lawful, nonviolent activity can be subject to criminal penalty, even where the speakers' intent is to discourage resort to violence," said Georgetown law professor David Cole, who represented the Humanitarian Law Project, in an article for The New York Review of Books. This decision represents an astonishing assault on our First Amendment rights to freedom of speech and freedom of assembly. The FBI continues to use brass knuckles against the solidarity activists. It has empaneled a grand jury in Chicago. But the fourteen activists all signed a letter to federal prosecutor Patrick Fitzgerald asserting their Fifth Amendment rights and advising him that they would not cooperate with his investigation. Fitzgerald has now subpoenaed a total of twenty-three people to appear before the grand jury, and he seems to be focusing on those who visited with Palestinians in the Occupied Territories. Sarah Smith is one of them. The FBI came calling on her on December 3. "I took a trip last summer to Israel and Palestine. I am Jewish and wanted to see firsthand what life is like for Israelis and Palestinians," she said. "I went with two Palestinian American friends. You would think Jews and Palestinians going together to visit Israel and Palestine is something the U.S. government would encourage. Instead, all three of us are now being ordered by the FBI to go before a grand jury for going on that trip." Fitzgerald has also resubpoenaed three of the activists who asserted the Fifth: Tracy Molm, Anh Pham, and Sarah Martin. Organizers worry that Fitzgerald will compel the three to testify by issuing them immunity, and if they refuse to do so, he can then toss them in jail. These strong-arm tactics must stop. The man who ran for President as a professor of constitutional law and a restorer of civil liberties is now dragging out some of the most repressive tools at his disposal. And he's using them to go after not suspected Al Qaeda terrorists but whistleblowers and leftwing solidarity activists. That should serve as a warning to us all. - Matthew Rothschild

ITP = Hostile Work Env't

The Insider Threat Program causes colleagues to spy on each other which leads to a hostile work environment

Democracy Now 13

(Democracy Now, Insider Threat: Government Employees Urged to Tattle On Coworkers in Effort to Stop Classified Leaks,

http://www.democracynow.org/2013/6/25/insider_threat_government_employees_urged_to) JB

As the media focuses almost exclusively on Edward Snowden's possible whereabouts, more details on the Obama administration's crackdown on whistleblowers have come to light. A new investigative report has revealed the administration's crackdown on leaks extends far beyond high-profile cases like Snowden or the Associated Press, to the vast majority of government agencies and departments — even those with no connection to intelligence or national security. For nearly two years, the White House has waged a program called "Insider Threat" that forces government employees to remain on the constant lookout for their colleagues' behavior and to report their suspicions. It targets government officials who leak any information, not just classified material. All of this leads McClatchy to warn: "The [Insider Threat] program could make it easier for the government to stifle the flow of unclassified and potentially vital information to the public, while creating toxic work environments poisoned by unfounded suspicions and spurious investigations." We're joined by the reporter who helped break the story, Jonathan Landay, senior national security and intelligence reporter for McClatchy Newspapers. Landay also discusses his reporting that revealed how drone strikes carried out in Pakistan over a four-year period ran contrary to standards set forth publicly by President Obama.

The Insider Threat Program encourages colleagues to snitch on each other which hurts the work space

Coleman-Adebayo 14- was a Senior Policy Analyst in the Office of the Administrator at the US Environmental Protection Agency. She has held various academic positions as Adjunct Professor at the Georgetown University _ School of Foreign Studies and Visiting Scholar in the Department of African-American Studies at George Mason University

(Dr. Marsha, Obama's Insider Threat Program Turns "Colleagues Against Each Other", the Real News, http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=10904) JB

DESVARIEUX: So let's start with talking about the current state of affairs for whistleblowers in the United States. In the last segment I mentioned President Obama has used the Espionage Act against whistleblowers more than every other president combined. And now there's an "insider threat" program that encourages federal employees to report suspicious actions by their coworkers. Have us understand why are these practices so dangerous, so dangerous to bringing the truth forward to the public. COLEMAN-ADEBAYO: Well, I think we first have to identify or define what a suspicious act is, because according to the Insider Threat Program a suspicious act is any kind of activity

that places stressors on various employees. And so, for example, a stressor can be financial difficulties at home. A stressor can be difficulties with your children. A stressor can be a health-related issue. Those are the stressors that this act is addressing as a problem for the administration. That's very important for you to understand. So, for example, if an employee goes to lunch with a colleague and she's bemoaning the fact that her 15-year-old son is giving her a lot of problems, that's a stressor, that's a problem, and the employee who is listening to this narrative must go back to the Insider Threat office at their agency and report that their colleague is having problems with her 15-year-old son. Or if you find out that one of your colleagues is having trouble paying their mortgage, that is a stressor that must be reported. DESVARIEUX: And if you don't report it? COLEMAN-ADEBAYO: And if you don't report it, there are all kinds of penalties, including being fired from your job. So essentially what this act has done is to take a chapter out of the Stasi, out of East Germany, in which **you basically turn colleagues against each other.** Basically they're rewarded for snitching on each other. So you break up any possibility of community inside the organization, any possibility of collegiate relationships inside of the organization, and you basically have everyone looking over their shoulders trying to determine whether or not someone is going to snitch on them, whether that narrative is truthful or not. So you can imagine how this can be--this kind of executive order can be abused. If you want to get rid of a colleague, all you have to do is, you know, go to the Insider Threat office and say, I heard that Mary said that she's having trouble with her husband.

Insider threat program spurs distrust in the workplace and affirms Constitutional breakdown

Krieger, 2013, [BA in economics from Duke]

(Michael, July 11, "The 3 key Takeaways from the ridiculous 'Insider Threat Program'"

libertyblitzkrieg.com/2013/07/11/the-3-key-takeaways-from-the-ridiculous-insider-threat-program/

McClatchy's recent report covering the government's expansive employee snitch policy, aka the Insider Threat Program, has gotten a great deal of attention in the alternative media, and rightfully so. I finally took the time to read it and quickly realized that I need to offer my own take since it encapsulates so much of the severe mental illness, delusion and sociopathy rampant within the so-called American "elite" class. The first line of the report pretty much summarizes what the Insider Threat Program intends to do: "In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues." There are three main takeaways from this revelation I think are crucial to be aware of. I will cover each of them briefly. 1) This creates a horrible and counterproductive work environment where everyone distrusts everyone else. So imagine working for the government and being fully aware that because you are going through a divorce or having some financial difficulties that you are now deemed "suspicious" to your superiors. What about voicing a political view in a conversation at the water cooler? The mere **fact that this program exists turns the work environment into a virtual prison where all normal human behavior is suspect and you are encouraged to become a government robot.** But it's even worse than that. This program guarantees that the nastiest and most immoral types will rise to the top. Someone with sociopathic tendencies will quickly realize that the "upside" is to always snitch on everyone. Is there someone right above you who's position you covet? Simply make consistent accusations against them and play the political game until you ruin that person. This works particularly well if your target is a decent person. 2) Solidifies the fact the government is not interested in solving problems, but rather is focused on continuing the cronyism and criminality and merely covering it up. The above point basically summarizes everything that is wrong with all of our major institutions today, and why we have total political and economic disfunction. This is a topic I have covered for many, many years with regard to the financial system. The reason the economy has not really recovered and why it will not enter into a healthy recovery is that our "leaders" merely covered up all of the bubbles and crimes pre-2008. Not only did no one go to jail, but those most responsible for the crisis were rewarded with high political positions (Larry Summers and Tim Geithner) and also monetarily through bailouts. The same thing is now happening with the NSA scandal. Rather than addressing this gross violation of the 4th Amendment as well as Clapper lying in front of Congress, the power structure is focused on making sure its crimes aren't revealed going forward. Whistleblowers are prosecuted and jailed, while those in power destroying the Constitution are promoted. This guarantees future societal breakdown. 3) Exposes how completely hopeless and terminal the status quo is. This is the silver lining to the entire thing. I have covered previously how the status quo has no philosophy the

masses can believe in. Its position of power depends on its crimes being hidden in the shadows and enormous payoffs (or threats) for those at the top directly involved in the pillaging. Once the scam is exposed, the public will ultimately turn against the system. This is why Snowden's leaks are so important and why the status quo is panicking. One of the things McClatchy notes is that one trend the government is looking out for is: "an increasingly disgruntled, post-Great Recession workforce and the entry of younger, 'Gen Y' employees who were 'raised on the Internet.'" Sorry, but a power structure this frightened of the younger generation cannot and will not survive. It is simply a matter of time. Now here are some key excerpts from the McClatchy report: WASHINGTON — In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues based on behavioral profiling techniques that are not scientifically proven to work, according to experts and government documents. The techniques are a key pillar of the Insider Threat Program, an unprecedented government-wide crackdown under which millions of federal bureaucrats and contractors must watch out for "high-risk persons or behaviors" among co-workers. Those who fail to report them could face penalties, including criminal charges. The order covers virtually every federal department and agency, including the Peace Corps, the Department of Education and others not directly involved in national security. Federal employees and contractors are asked to pay particular attention to the lifestyles, attitudes and behaviors – like financial troubles, odd working hours or unexplained travel – of co-workers as a way to predict whether they might do "harm to the United States." Managers of special insider threat offices will have "regular, timely, and, if possible, electronic, access" to employees' personnel, payroll, disciplinary and "personal contact" files, as well as records of their use of classified and unclassified computer networks, polygraph results, travel reports and financial disclosure forms. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education refused to answer questions about the program's implementation. Instead, they issued virtually identical email statements directing inquiries to the Office of the Director of National Intelligence, declined to comment or didn't respond. Transparency! Caitlin Hayden, a spokeswoman for the White House National Security Council, said in her statement that the Insider Threat Program includes extra safeguards for "civil rights, civil liberties and privacy," but she didn't elaborate. I spit out my coffee laughing at that one. Manning's leaks to WikiLeaks, she added, showed that at the time protections of classified materials were "inadequate and put our nation's security at risk." Ok Caitlin, so killing civilians and laughing about it isn't the problem, the problem is that the world found out about it. USA! USA! McClatchy obtained a copy of the document, which was produced by an Insider Threat Task Force that was set up under Obama's order and is headed by Director of National Intelligence James Clapper and Attorney General Eric Holder. McClatchy also obtained the group's final policy guidance. The White House, the Justice Department and the Office of the Director of National Intelligence declined requests for both documents, neither of which is classified. On Monday, October 20, Professor Lawrence Lessig interviewed Edward Snowden, one of the most famous whistleblowers in recent history, about institutional corruption and the National Security Agency (NSA).

The insider threat program does nothing and creates a terrible work environment

Krieger 13- creator and editor of Liberty Blitzkrieg

(Michael, The 3 Key Takeaways from the Ridiculous "Insider Threat Program", <http://libertyblitzkrieg.com/2013/07/11/the-3-key-takeaways-from-the-ridiculous-insider-threat-program/>) JB

McClatchy's recent report covering the government's expansive employee snitch policy, aka the Insider Threat Program, has gotten a great deal of attention in the alternative media, and rightfully so. I finally took the time to read it and quickly realized that I need to offer my own take since it encapsulates so much of the severe mental illness, delusion and sociopathy rampant within the so-called American "elite" class. The first line of the report pretty much summarizes what the Insider Threat Program intends to do: "In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues." There are three main takeaways from this revelation I think are crucial to be aware of. I will cover each of them briefly. 1) This creates a horrible and counterproductive work environment where everyone distrusts everyone else. So imagine working for the government and being fully aware that because you are going through a divorce or having some financial difficulties that you are now deemed "suspicious" to your superiors. What about voicing a political view in a conversation at the water cooler? The mere fact that this program exists turns the work environment into a virtual prison where all normal human behavior is suspect and you are encouraged to become a government robot. But it's even worse than that. This program guarantees that the nastiest and most immoral types will rise to the top. Someone with sociopathic tendencies will quickly realize that the "upside" is to always snitch on everyone. Is there someone right above you who's position you covet?

Simply make consistent accusations against them and play the political game until you ruin that person. This works particularly well if your target is a decent person. 2) Solidifies the fact the government is not interested in solving problems, but rather is focused on continuing the cronyism and criminality and merely covering it up. The above point basically summarizes everything that is wrong with all of our major institutions today, and why we have total political and economic disfunction. This is a topic I have covered for many, many years with regard to the financial system. The reason the economy has not really recovered and why it will not enter into a healthy recovery is that our “leaders” merely covered up all of the bubbles and crimes pre-2008. Not only did no one go to jail, but those most responsible for the crisis were rewarded with high political positions (Larry Summers and Tim Geithner) and also monetarily through bailouts. The same thing is now happening with the NSA scandal. Rather than addressing this gross violation of the 4th Amendment as well as Clapper lying in front of Congress, the power structure is focused on making sure its crimes aren’t revealed going forward. Whistleblowers are prosecuted and jailed, while those in power destroying the Constitution are promoted. This guarantees future societal breakdown. 3) Exposes how completely hopeless and terminal the status quo is. This is the silver lining to the entire thing. I have covered previously how the status quo has no philosophy the masses can believe in. Its position of power depends on its crimes being hidden in the shadows and enormous payoffs (or threats) for those at the top directly involved in the pillaging. Once the scam is exposed, the public will ultimately turn against the system. This is why Snowden’s leaks are so important and why the status quo is panicking. One of the things McClatchy notes is that one trend the government is looking out for is: “an increasingly disgruntled, post-Great Recession workforce and the entry of younger, ‘Gen Y’ employees who were ‘raised on the Internet.’” Sorry, but a power structure this frightened of the younger generation cannot and will not survive. It is simply a matter of time.

Government officers are required to invade other’s privacy under the Insider Threat Program – the plan stops it.

Tencer 2011 – Daniel Tencer, Business Editor, Canada at The Huffington Post (January 5, 2011, “White House’s ‘insider threat’ program targets federal employees for surveillance” <http://www.rawstory.com/2011/01/insider-threat-targets-employees-surveillance/>)/CEB

The document (PDF), which was leaked to NBC less than 48 hours after it was written, urges agencies to develop an “insider threat program” that would monitor employees for “behavioral changes” indicating they may be leaking classified documents or be willing to do so. The document calls on agencies to hire psychiatrists and sociologists to measure the “despondence or grumpiness” of federal employees in order to “gauge trustworthiness.” It also urges the use of polygraph machines, and the monitoring of computer activities and signs of “high occurrences of foreign travel.” Agencies are urged to “capture evidence of pre-employment and/or post-employment activities or participation in on-line media data mining sites like WikiLeaks or Open Leaks,” indicating that the administration wants to see personnel monitored even after they stop working for the federal government. The memo, written as a check-list of questions, doesn’t order agencies to carry out these policies, but is written in such a way to suggest that agencies that don’t carry out these policies would be delinquent in their duties. “This is paranoia, not security,” Steven Aftergood, a national security expert with the Federation of American Scientists, told NBC. Aftergood said the White House was simply expanding the methods used by the CIA to weed out spies to other agencies of the government, where they are unlikely to work. He called some of the recommendations — such as one that all employees report any contact with members of the media — “absurd.”

Impacts

Impacts: New Iraq (1AC?)

The Insider Threats program causes an over-reliance on groupthink by destroying creative thinking – risks new Iraq’s

Maté, Goodman, and Landay JUNE 25, 2013

(AARON, m and raised in Vancouver, Canada, Aaron comes to Democracy Now! after a two-year stint as an independent journalist and as a researcher for the author and journalist Naomi Klein. Through his work as a journalist and activist, he has had the opportunity to visit the Occupied Territories, Haiti, and South Africa. His writings have appeared in publications including the Toronto Star, the Globe and Mail, and the Guardian of London. Aaron received his B.A. in Communication Studies from Concordia University in Montreal. He is a regular contributor to the Montreal/San Francisco-based magazine Warrior, and Amy, the host and executive producer of Democracy Now!, a national, daily, independent, award-winning news program airing on over 1,300 public television and radio stations worldwide. Time Magazine named Democracy Now! its "Pick of the Podcasts," along with NBC's Meet the Press. The Nieman Foundation for Journalism at Harvard honored Goodman with the 2014 I.F. Stone Medal for Journalistic Independence Lifetime Achievement Award. She is also the first journalist to receive the Right Livelihood Award, widely known as the "Alternative Nobel Prize" for "developing an innovative model of truly independent grassroots political journalism that brings to millions of people the alternative voices that are often excluded by the mainstream media." She is the first co-recipient of the Park Center for Independent Media's Izzy Award, named for the great muckraking journalist I.F. Stone. The Independent of London called Amy Goodman and Democracy Now! "an inspiration." PULSE named her one of the 20 Top Global Media Figures of 2009. Goodman has co-authored five New York Times bestsellers. Her latest two, The Silenced Majority: Stories of Uprisings, Occupations, Resistance, and Hope, and Breaking the Sound Barrier, both written with Denis Moynihan, give voice to the many ordinary people standing up to corporate and government power. She co-authored her first three bestsellers with her brother, journalist David Goodman: Standing Up to the Madness: Ordinary Heroes in Extraordinary Times (2008), Static: Government Liars, Media Cheerleaders, and the People Who Fight Back (2006) and The Exception to the Rule: Exposing Oily Politicians, War Profiteers, and the Media That Love Them (2004). She co-writes a weekly column with Denis Moynihan (also produced as an audio podcast) syndicated by King Features, for which she was recognized in 2007 with the James Aronson Award for Social Justice Reporting. Goodman has received the American Women in Radio and Television Grace Award, the Paley Center for Media's She's Made It Award, and the Puffin/Nation Prize for Creative Citizenship. Her reporting on East Timor and Nigeria has won numerous awards, including the George Polk Award, Robert F. Kennedy Prize for International Reporting, and the Alfred I. duPont-Columbia Award. She has also received awards from the Associated Press, United Press International, the Corporation for Public Broadcasting, and Project Censored. Goodman received the first ever Communication for Peace Award from the World Association for Christian Communication. She was also honored by the National Council of Teachers of English with the George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language, "Insider Threat: Government Employees Urged to Tattle On Coworkers in Effort to Stop Classified Leaks," Democracy Now, JUNE 25, 2013.

http://www.democracynow.org/2013/6/25/insider_threat_government_employees_urged_to, Accessed: July 8, 2015, YDEL)

AMY GOODMAN: Can you tell us who Ilana Greenstein is? JONATHAN LANDAY: Ilana Greenstein is a former CIA covert officer who believes that she was falsely accused of being a security risk. And even after going through the proper channels for reporting what she believed were violations of security and other matters while she was serving in Iraq, she even wrote to the then-director of the CIA, Michael Hayden. She went—she and her attorney wrote to the CIA inspector general. And instead, she felt that she was being retaliated against, and she resigned from the agency. AARON MATÉ: Jonathan, you write that this program could create a form of groupthink, a form of lack of creative thinking that helped lead to the invasion of Iraq? JONATHAN LANDAY: This was—this was Ilana's observation. This was a story that I covered quite intensely for quite a few years, disclosing a lot of the bogus intelligence that was used to justify the invasion, and her point being, we know that the Senate Intelligence Committee found—I believe it was the Intelligence Committee—found that there was this groupthink within the intelligence community behind the false assessment that Saddam Hussein had reactivated his weapons of mass destruction program. This is the kind of atmosphere that Ilana believes could be created because of the Insider Threat Program, where you have people who are afraid to think outside the box, afraid to challenge whatever the majority opinion is, because it could attract attention to them as being a potential insider threat. This is about profiling, I think, in the end, which we know is pretty problematic. I think one of the biggest problems here is that the government seems to always react in the wrong way and in an extreme—in an extreme way to this kind of thing, rather than trying to tackle the core of the problem, which is the enormous number of people, almost five million, who have clearances and access to classified material, and a lot of those people are contractors, as well as the problem—and this goes way back to the overclassification by the government of materials. And I think that one of the problems here is that the more there is a perception that the government is doing the wrong thing by cracking down on civil liberties and privacy and doing things like collecting the telephone data of millions of Americans, the greater the chances are going to be that you're going to have a leak, that there will always be someone who's going to feel that the government has crossed the lines when it comes to the Constitution and the law, and they're going to go leak, because they do not trust the prescribed channels within the government for being a whistleblower. We've seen what's happened to whistleblowers—Tom Drake, for instance, you've had him on this program—where they have used the—and Ilana Greenstein, who we talked to, who used the proper channels to try and report what they saw as being waste or fraud or abuse, and being retaliated against rather than having their concerns addressed.

2AC Exec Sup → NW

Restraints on Executive power is critical to prevent policy error that risks nuclear extinction

Adler 11

(David, Director of the Andrus Center for Public Policy at Boise State University, Cecil Andrus Professor of Public Affairs, "Presidential Ascendancy in Foreign Affairs and the Subversion of the Constitution" pg online @ <http://www.civiced.org/pdfs/GermanAmericanConf2011/Adler.pdf>)

A considerable literature urges executive supremacy, and extols the supposed virtues of presidential assertion, domination and control; yet this body of work often ignores the dimensions of executive flaws, foibles, and frailties. The electoral process is not infallible; an elected president may lack the wisdom, temperament and judgment, not to mention perception, expertise and emotional intelligence to produce success in matters of war and peace. Those qualities which, to be sure, are attributes of the occupant and not of the office, cannot be conferred by election. 104 Champions of a unilateral executive war power have ignored and, perhaps, forgotten the institutional safeguards of separation of powers, checks and balances and collective decision making urged by the Framers as protection from the flaws of unilateral judgment and the temptations of power. Among those who have lost their memory of the virtues and values of those institutional safeguards, apparently, are those many members of Congress and dozens of judges over the years, who have acquiesced in the face of presidential usurpation in the realm of national security. Perhaps seduced by the allure of swift, bold military action under the banner of nationalism, patriotism and ideological and political certainty, these representatives, some elected and others appointed, have forgotten their institutional duties and responsibilities. It is not probable, but certain, that the Imperial Presidency would be brought to heel if the other branches duly exercised their powers and responsibilities, but they have lost their way. No less a personage than the late Senator Sam Ervin questioned, in the course of hearings in 1973 on the unchecked executive practice of impoundment, whether the Congress of the United States will remain a viable institution or whether the current trend toward the executive use of legislative power is to continue unabated until we have arrived at a presidential form of government." Senator Ervin justly criticized executive aggrandizement of legislative authority, but he also found Congress culpable for the rise of presidential dominance: "The executive branch has been able to seize power so brazenly only because the Congress has lacked the courage and foresight to maintain its constitutional position." 105 What was true of impoundment, is true of the war power. Only "Congress itself," to borrow from Justice Robert H. Jackson, "can prevent power from slipping through its fingers." 106 The siren song of unilateral presidential war making ignores the tragedies of Korea, Vietnam and Iraq, and the cost to America of its precious blood and treasure as well as denied and stolen. The American constitutional system is grounded in the conviction, as James Iredell explained it, that there is "nothing more fallible than human judgment." 107 It is sometimes observed that the intentions of the Framers are outdated and irrelevant. But before we too readily acquiesce in that verdict, we might do well to recall the policy considerations that underlay the decision to vest the war power in Congress and not the president. Painfully aware of the horror and destructive consequences of warfare, the Framers wisely determined that before the very fate of the nation were put to risk that there ought to be some discussion, some deliberation by Congress, the people's representatives. The Founders did not, as James Wilson explained it, want "one man to hurry us into war." 108 As things stand in the United States today, however, the president has been exercising that power. The "accretion of dangerous power," Justice Frankfurter has reminded us, occurs when power is freed from institutional restraints, checks and safeguards. The eminently sound rationales that convinced the Framers to vest the war power exclusively in Congress, however, have been ignored and abandoned in recent decades. There is a cost in that, too. It was the artist, Goya, who in one of his etchings, graphically portrayed the consequences of ignoring reason with the inscription: "The sleep of reason brings forth monsters." 109 There is no comfort to be found in a practice which permits unilateral executive war making, particularly in the age of nuclear weapons, when war might lead to the incineration of the planet. When it comes to the constitutional design for war making, it is clear that the Framers' policy concerns are even more compelling today than they were two centuries ago.

Nuclear war

Adler 8

(David Gray, Professor of Political Science at Idaho State University, "The Judiciary and Presidential Power in Foreign Affairs: A Critique", 6-1,

http://www.freerangethought.com/index.php?option=com_content&task=blogsection&id=6&Itemid=41)

^{11} The structure of **shared powers** in foreign relations serves to **deter abuse of power, misguided policies, irrational action, and unaccountable behavior.**^{31} As a fundamental matter, emphasis on **joint policymaking** permits the airing of sundry political, social, and economic values and concerns. Such a structure wisely **ensures** that the ultimate **policies will not** merely **reflect** the **private preferences or the short-term political interests** of the President.^{32} ^{12} Of course, this arrangement has come under fire in the **postwar period** on a number of policy grounds. Some have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, **it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of almost instantaneous massive destruction.** Extollers of presidential dominance also have contended that only the President has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy.^{33} ^{13} These policy arguments have been reviewed, and **discredited**, elsewhere; space limitations here permit only a brief commentary.^{34} Above all else, **the implications of U.S. power and action in the twentieth century have brought about an even greater need for institutional accountability and collective judgment than existed two hundred years ago.** The **devastating, incomprehensible destruction of nuclear war** and the possible **extermination of the human race demonstrate the need for joint participation in any decision to initiate war.** Moreover, **most of the disputes at stake between the executive and legislative branches in foreign affairs have virtually nothing to do with the need for rapid response to crisis.** Rather, they are concerned only with routine policy formulation and **execution**, a classic example of the authority exercised under the separation of powers doctrine.^{35} ^{14} Nevertheless, these **joint functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable.**^{36} In the wake of Vietnam, Watergate, and the Iran-contra scandal, unilateral executive behavior has become ever more difficult to defend. Scholarly appraisals have **destroyed** arguments about intrinsic executive expertise and wisdom in foreign affairs and the alleged **superiority of information available to the President.**^{37} Moreover, **the inattentiveness of presidents to important details and the effects of "groupthink" that have dramatized and exacerbated the inexperience of various presidents in international relations have also devalued the extollers' arguments.** Finally, foreign policies, like domestic policies, are reflections of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress. ^{15} **The assumption of foreign affairs powers by recent presidents represents a fundamental alteration of the Constitution that is both imprudent and dangerous.** We turn now to an examination of the judiciary's contribution to executive hegemony in foreign affairs.

Impacts: FoPo Disasters

Group think causes foreign policy disasters—results in overconfidence

Jervis, 2k4

(Robert, Poli Sci Prof @ Columbia University, The Record, pg lexis)

But was that indeed what happened? "Groupthink" - identified in the early 1970s by the late Yale psychologist Irving Janis - refers to a process by which conformity grows out of deliberations in small groups. It can indeed be quite powerful. The way Janis explained it, groupthink operates when individuals work closely together over a sustained period. It isn't merely that members of the group come to think alike but that they come to overvalue the harmonious functioning of the group. In their eagerness to reach consensus, they become inhibited from questioning established assumptions or from raising questions that might disturb their colleagues and friends. A vicious circle begins as the group feels good about itself because it has discovered the truth, and this truth is accepted by each person because it is believed by the others. In this way, a group of intelligent individuals can confidently arrive at conclusions that are wildly removed from reality. Most social scientists agree that groupthink has contributed to many disastrous decisions in business, families, and foreign policy. President Kennedy and his top advisers, for instance, fell into a groupthink trap, believing that the landings of the Cuban exiles at the Bay of Pigs in April 1961 might overthrow Fidel Castro. Intense face-to-face meetings among the president's top foreign policy planners formed strong bonds that no one wanted to loosen. In hindsight, their plans were so badly flawed that it is hard to understand how such world-wise leaders could have endorsed them. But apparently each individual grew confident because the others were - each was reassured because the group was functioning so well and without discord; no one felt the need, or had the nerve, to insist they consider the possibility that the group was on the totally wrong track. Richard Nixon's Watergate cover-up was in part maintained by the same dynamic. To many outsiders even at the time, it was obvious that the only way for Nixon to survive was to air the full truth early on. But the Nixon White House was a small group, closed-mouthed and predisposed to keeping everything secret.

Impacts: Groupthink = Russia War

Groupthink from Obama Administration results in attempt at collapse of Russia and regime change – fails and causes nuclear conflict with Russia and destruction of the planet

Parry, 2014

(Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995, December 18, 2014, "The Crazy US 'Group Think' on Russia," Consortium News, <https://consortiumnews.com/2014/12/18/the-crazy-us-group-think-on-russia/>, Accessed: July 13, 2015, YDEL)

Exclusive: Congress has voted to up the ante in the showdown with Russia over Ukraine, embracing a new Cold War and the neocon scheme for "regime change" in Moscow. But – amid the tough-guy-ism – there was little consideration of the risks from destabilizing nuclear-armed Russia, writes Robert Parry. ¶ By Robert Parry ¶ **Has anyone in Official Washington thought through the latest foreign policy "group think," the plan to destabilize nuclear-armed Russia?** All the "smart" people, including the New York Times editors, are rubbing their hands with glee over the financial crisis being imposed on Russia because of the Ukraine crisis, but no one, it seems, is **looking down the road.** ¶ **This reckless strategy appears to be another neocon-driven "regime change" scheme,** this time focused on Moscow with the goal to take down Russian President Vladimir Putin and presumably replace him with some U.S. puppet, a Russian-speaking Ahmed Chalabi perhaps. Since the neocons have never faced accountability for the Iraq disaster – when the conniving Chalabi was their man – they are still free to dream about a replay in Russia. ¶ However, **as catastrophic as the Iraq War was** especially for Iraqis, **the new neocon goal of Russian "regime change" is far more dangerous** if one looks at the chaos that has followed neocon (and "liberal interventionist") schemes to overthrow governments in Iraq, Syria, Libya, Ukraine and elsewhere, **what might the risks be if such political disorder was created in Russia?** ¶ **Since the neocon plans don't always work out precisely as they dream them up at Washington think tanks** or at the Washington Post's editorial board, **what are the chances that some radical Russian nationalist might emerge from the chaos and take command of the nuclear launch codes?** ¶ As much fun as the Washington tough guys and gals are having today, **the prospects for thermo-nuclear war might not be as pleasing.** ¶ And, does anyone really think that cooler heads in Official Washington would prevail in such a crisis? From what we have seen over the past year regarding Ukraine – not to mention other international hot spots – it seems that the only game in town is to swagger around, as pumped up as Hans and Franz, just not as amusing. ¶ You see, the Russians have already experienced what it is like to comply with U.S. economic edicts. That was tried during the 1990s after the collapse of the Soviet Union when experts from Harvard University descended on Moscow with "shock therapy" for the post-communist society. What happened was that a handful of well-connected thieves plundered the nation's resources, making themselves into billionaire oligarchs while President Boris Yeltsin stayed drunk much of the time and many average Russians faced starvation. ¶ A key reason why Putin and his autocratic style have such a strong political base is that he took on some of the oligarchs and restructured the economy to improve the lives of many Russians. The neocons may think that they can oust Putin through a combination of economic pain and information warfare but there is a deep understanding among many Russians what a repeat of the Yeltsin years would mean. ¶ So, **even a "successful regime change" could end up with a more radical figure in charge of Russia and its nuclear arsenal than Putin.** But that is the course that Official Washington has chosen to take, with Congress almost unanimously approving a package of harsher sanctions and \$350 million in arms and military equipment for Ukraine to wage its "anti-terrorism operation" against ethnic Russians in eastern Ukraine. ¶ Cuba Example ¶ There is some irony here in that just as President Barack Obama finally begins to lift the ineffective, half-century-old U.S. embargo against Cuba, the U.S. Congress and the entire mainstream U.S. news media have jumped on another high horse to charge off against Russia, imposing new economic sanctions and dreaming of another "regime change." ¶ The promiscuous use of sanctions – as part of "regime change" strategies – has become almost an addiction in Washington. One can envision some tough-talking U.S. diplomat confronting the leaders of a troublesome nation by going around the room and saying, "we sanction you, we sanction you, we sanction you." ¶ Beyond the trouble that this pathology creates for American businesses, not sure whether they're stumbling over one of these sanctions, there is the backlash among countries increasingly trying to circumvent the United States in order to deny Washington that leverage over them. The long-run effect is surely to be a weakening of the U.S. dollar and the U.S. economy. ¶ However, in the meantime, U.S. politicians can't seem to get enough of this feel-good approach to foreign disputes. They can act like they're "doing something" by punishing the people of some wayward country, but sanctions are still short of outright war, so the politicians don't have to attend funerals and face distraught mothers and fathers, at least not the mothers and fathers of American soldiers. ¶ In the past, sanctions, such as those imposed on Iraq in the 1990s, took a fearsome toll, killing some half million Iraqi children, according to United Nations estimates. ¶ Another example of how the sanctioning impulse can run amok has been U.S. policy toward Sudan, where leaders were sanctioned over the violence in Darfur. The United States also supported the secession of oil-rich South Sudan as a further penalty to Sudan. ¶ But the U.S. sanctions on Sudan prevented South Sudan from shipping its oil through pipelines that ran through Sudan, creating a political crisis in South Sudan, which led to tribal violence. The U.S. government responded with, you guessed it, sanctions against leaders of South Sudan. ¶ So, now, **the U.S. government is back on that high horse and charging off to sanction Russia and its leaders over Ukraine,** a crisis that has been thoroughly misrepresented in the mainstream U.S. news media and in the halls of government. ¶ A False Narrative ¶ **Official Washington's "group think" on the crisis has been driven by a completely phony narrative of what has happened in Ukraine over the past year.** It has become the near-monolithic view of insiders that the crisis was instigated by Putin as part of some diabolical scheme to recreate the Russian Empire by seizing Ukraine, the Baltic states and maybe

Poland.¶ But the reality is that **the crisis was initiated by the West**, particularly by Official Washington's neocons, **to pry Ukraine away from the Russian sphere of influence and into Europe's**, a ploy that was outlined by a leading neocon paymaster, Carl Gershman, the longtime president of the U.S.-funded National Endowment for Democracy.¶ On Sept. 26, 2013, Gershman took to the op-ed page of the Washington Post and pronounced Ukraine "the biggest prize" and an important interim step toward toppling Putin and putting down the resurgent and willful Russia that he represents.¶ Gershman, whose NED is financed by the U.S. Congress to the tune of about \$100 million a year, wrote: "Ukraine's choice to join Europe will accelerate the demise of the ideology of Russian imperialism that Putin represents. ...

Russians, too, face a choice, and Putin may find himself on the losing end not just in the near abroad but within Russia itself."¶ In other words, from the start, **Putin was the target of the Ukraine initiative, not the instigator**. Beyond Gershman's rhetoric was the fact that NED was funding scores of projects inside Ukraine, training activists, supporting "journalists," funding business groups.¶ Then, in November 2013, Ukraine's elected President Viktor Yanukovich balked at an association agreement with the European Union after learning that it would cost Ukraine some \$160 billion to separate from Russia. Plus, the International Monetary Fund was demanding economic "reforms" that would hurt average Ukrainians.¶ Yanukovich's decision touched off mass demonstrations from western Ukrainians who favored closer ties to Europe. That, in turn, opened the way for the machinations by neocons inside the U.S. government, particularly the scheming of Assistant Secretary of State for European Affairs Victoria Nuland, the wife of arch-neocon Robert Kagan.¶ Before long, Nuland was handpicking the new leadership for Ukraine that would be in charge once Yanukovich was out of the way, a process that was ultimately executed by tightly organized 100-man units of neo-Nazi storm troopers based in from the western city of Lviv. [See Consortiumnews.com's "NYT Discovers Ukraine's Neo-Nazis at War."]¶ Worsening Crisis¶ The violent overthrow of President Yanukovich led to resistance from south and east Ukraine where Yanukovich got most of his votes. Crimea, a largely ethnic Russian province, voted overwhelmingly to secede from the failed Ukrainian state and rejoin Russia, which had been Crimea's home since the 1700s.¶ **When Putin accepted Crimea back into Russia**

– recognizing its historical connections and its strategic importance – **he was excoriated by Western leaders and the mainstream U.S. media**. Former Secretary of State Hillary Clinton likened him to Hitler, as the narrative took shape that Putin was on a premeditated mission to conquer states of the former Soviet

Union.¶ **That narrative was always fake but it became Official Washington's conventional wisdom, much like the existence of Iraq's WMD became what "everyone knew to be true."** **The "group think" was again so strong that not even** someone as important to the establishment as former Secretary of State Henry Kissinger could shake it.¶ In an interview last month

with Der Spiegel magazine, Kissinger said that "The annexation of Crimea was not a move toward global conquest. It was not Hitler moving into Czechoslovakia."¶ **The 91-year-old Kissinger added that President Putin had no intention of instigating a crisis in Ukraine**: "Putin spent tens of billions of dollars on the Winter Olympics in Sochi. The theme of the Olympics was that Russia is a progressive state tied to the West through its culture and, therefore, it presumably wants to be part of it. So it doesn't make any sense that a week after the close of the Olympics, Putin would take Crimea and start a war over Ukraine."¶ Instead Kissinger argued that **the West – with its strategy of pulling Ukraine into the orbit of the European Union – was responsible for the crisis** by failing to understand

Russian sensitivity over Ukraine and making the grave mistake of quickly pushing the confrontation beyond dialogue.¶ **Kissinger's remarks – though undeniably true – were largely ignored by the mainstream U.S. media and had little or no impact on the U.S. Congress which pressed ahead** with its legislation to expand the anti-Russia sanctions, which – along with declining energy prices – were

contributing to a severe economic downturn in Russia.¶ The New York Times' editors spoke for many in their celebration over the pain being inflicted on Russia. In an editorial entitled "The Ruble's Fall and Mr. Putin's Reckoning," the Times wrote:¶ "The blame for this [economic calamity] rests largely with the disastrous policies of President Vladimir Putin, who has consistently put his ego, his territorial ambitions and the financial interests of his cronies ahead of the needs of his country. The ruble fell as much as 19 percent on Monday after the Central Bank of Russia sharply raised its benchmark interest rate to 17 percent in the middle of the night in a desperate attempt to keep capital from fleeing the country.¶ "Since June, the Russian currency has fallen about 50 percent against the dollar. Because Russia relies heavily on imported food and other goods, the decline in its currency is fueling

inflation. Consumer prices jumped 9.1 percent last month compared with a year earlier and also increased 8.3 percent in October.¶ **Russia's immediate problems were caused by the recent collapse of global crude oil prices and the financial sanctions imposed by the United States and Europe in an effort to get Mr. Putin to stop stirring conflict in Ukraine**. But the rot goes far deeper.

...¶ "Mr. Putin has taken great relish in poking the West. Now that he is in trouble, the rest of the world is unlikely to rush to his aid. On Tuesday, a White House spokesman said that President Obama intends to sign a bill that would authorize additional sanctions on Russia's energy and defense industries. That bill would also authorize the administration to supply arms to Ukraine's government.¶ "The sensible thing for Mr. Putin to do would be to withdraw from Ukraine. This would bring immediate relief from sanctions, and that would ease the current crisis and give officials room to start fixing the country's economic problems. The question is whether this reckless leader has been sufficiently chastened to change course."¶ But the reality has been that Putin has tried to keep his distance from the ethnic Russian separatists in eastern Ukraine, even urging them to postpone a referendum that revealed strong support for the region's secession from Ukraine. But he has faced a hard choice because the Kiev regime launched an "anti-terrorist operation" against the eastern region, an offensive that took on the look of ethnic cleansing.¶ The Ukrainian government's strategy was to pound eastern cities and towns with artillery fire and then dispatch neo-Nazi and other extremist "volunteer battalions" to do the dirty work of street-to-street fighting. Amnesty International and other human rights groups took note of the brutality inflicted by these anti-Russian extremists. [See Consortiumnews.com's "Seeing No Neo-Nazi Militias in Ukraine."]¶ Faced with thousands of ethnic Russians being killed and hundreds of thousands fleeing into Russia, Putin had little political choice but to provide help to the embattled people of Donetsk and Luhansk. But **Official Washington's narrative holds that all the trouble in Ukraine is simply**

the result of Putin's "aggression" and that everything would be just peachy if Putin let the Kiev regime and its neo-Nazi affiliates do whatever they wanted to the ethnic Russians.¶ But that's not something Putin can really do politically. So, what we're seeing here is the usual step-by-step progress toward **a neocon "regime change" scenario, as the targeted foreign demon fails to take the "reasonable" steps dictated by Washington and thus must be confronted with endless escalations, all the more severe to force the demon to submit or until ultimately the suffering of his people creates openings for "regime change."**¶ **We have seen this pattern with Iraq's Saddam Hussein**, for instance, and even with Ukraine's Yanukovich, **but the risks in this new neocon game are much greater – the future of the planet is being put into play.**

Impacts: Groupthink = Syria Invasion

Groupthink stemming from Obama administration risks invasion of Syria that puts entire world at risk

Parry, 2014

(Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995, November 20, 2014, "Delusional US 'Group Think' on Syria, Ukraine," Consortium News, <https://consortiumnews.com/2014/11/20/delusional-us-group-think-on-syria-ukraine/>, Accessed: July 13, 2015, YDEL)

Exclusive: Official Washington's "group think" on Syria and Ukraine is so delusional that it is putting the whole world in danger, but – as with the Iraq War – the mainstream U.S. news media is part of the problem, not part of any solution, writes Robert Parry. ¶ By Robert Parry ¶ Neocon ideology appears to have seized near total control over the editorial pages of America's premier news organizations, including the New York Times and the Washington Post, contributing to an information crisis inside "the world's superpower," a development that should unnerve both Americans and the world community. ¶ A Washington Post editorial, for instance, took President Barack Obama to task on Wednesday for one of the few moments when he was making sense, when he answered "no" to whether he was "actively discussing ways to remove" Syrian President Bashar al-Assad. Obama added, "we are looking for a political solution eventually within Syria. ... But we're not even close to being at that stage yet." ¶ The question itself — from Kristen Welker of NBC News — would have been remarkable enough if you weren't steeped in the arrogance of Official Washington where it's common to engage in casual speculation about overthrowing another country's government. In Neocon Land, it goes without saying that once the United States judges some world leader guilty for having violated international law or human rights or whatever, it is fine for the U.S. government to "take out" that leader, even if the supposed "facts" are a jumble of reality and propaganda that no one has bothered to seriously sort out. ¶ In Assad's case, there is the conventional wisdom that his government carried out the Aug. 21, 2013 sarin gas attack outside Damascus, although much evidence now points to a provocation by anti-Assad rebels. There is also the fact that Assad's military has been battling the ruthless Islamic State and Al-Qaeda's Nusra Front, two terroristic organizations. ¶ While that doesn't excuse excessive civilian casualties, it is a mitigating circumstance, much as the U.S. military rationalized the massive loss of civilian life after the invasions of Afghanistan and Iraq as regrettable collateral damage but justified in prosecuting the post-9/11 "war on terror." ¶ But, of course, there are two sets of rules, one for the world's "indispensible nation" and its allies and another for everyone else. There is an unstated acceptance of these double standards by every "serious" person in Official Washington, including mainstream journalists. ¶ In this view, the "exceptional" United States has the right to invade any country of its choosing and violently remove leaders not to its liking. If the shoe were on another foot – say, some country seeking to remove a U.S. ally for violating international law or human rights or someone trying to hold former President George W. Bush accountable for his war crimes – an entirely different fashion rack of principles would suddenly be in vogue. ¶ Nevertheless, Obama answered Welker's question appropriately. "No," he said, the U.S. government is not now trying to overthrow Assad, whose government is the principal bulwark against an outright military victory by Al-Qaeda's affiliate, Nusra Front, or the even more barbaric Islamic State. ¶ Indeed, it would be madness for Obama to say or do differently, since he himself acknowledged last summer to New York Times columnist Thomas L. Friedman that the idea of a "moderate" rebel force in Syria was always a "fantasy." [See Consortiumnews.com's "Behind Obama's Chaotic Foreign Policy."] ¶ Dreamy Neocon Thinking ¶ The likely result of the U.S. military destroying Assad's defenses would be a victory by Islamic extremists with their black flags flying over Damascus. That, in turn, would probably force the United States and its European allies to undertake a major invasion of Syria with hundreds of thousands of troops at the cost of hundreds of billions of dollars – and no reasonable prospect for success. ¶ Despite the craziness of this we-must-take-out-Assad thinking, it has become the "group think" of Official Washington. If only Assad were forcibly removed, this thinking goes, then the supposed "moderate opposition" would take over, transform Syria into a model democracy and everything would work out just fine. That this scenario is reminiscent of the dreamy neocon predictions about Iraq before the U.S. invasion in 2003 – and would be even less likely in Syria – seems to bother no one. ¶ So, the Washington Post's editors write in reaction to Obama's negative reply on ousting Assad: "That message will be greeted with cheers by the Assad clique and its supporters in Iran; it will encourage the regime to believe it can continue its 'barrel bomb' and chlorine gas attacks with impunity. It will also probably ensure that the rift between the United States and its allies against the Islamic State continues to widen." ¶ Then, the Post's editors glibly suggest that Obama should introduce U.S. ground forces, presumably into Syria as well as Iraq: "Mr. Obama appears to recognize the severity of the threat posed by the Islamic State and appears to be focused on the job of leading the fight against it. But if he continues to allow his ideological resistance to steps such as the deployment of ground forces to constrain the campaign, he will ensure its failure." ¶ The Post's

casual attitude toward dispatching the U.S. military into foreign countries, even without the approval of a sovereign government and thus in defiance of international law, is typical of the neocon arrogance that launched the Iraq War, which, in turn, gave rise to both Al-Qaeda's presence in the region and the Islamic State, which fought the U.S. occupation of Iraq under the name "Al-Qaeda in Iraq."[¶] In other words, it was the neocon disregard for international law that touched off this bloody mess in the first place, but the neocons are now popping up to give more advice on how Obama must handle the situation now. But their recommendations amount to war and more war. [See Consortiumnews.com's "The Neocon Plan for War and More War."[¶]]

1AC Accountability/Groupthink Scenario

Lack of accountability and free-thinking as a result of Insider Threat monitoring causes groupthink – whistleblowers are key to break-up groupthink

TAYLOR and LANDAY, JUNE 20, 2013

(MARISA, Investigative Reporter, McClatchy Washington Bureau, Jonathan, @McClatchyDC National Security Correspondent, June 20, 2013, "Obama's crackdown views leaks as aiding enemies of U.S.," [mcclatchydc](http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html), <http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html>, Accessed: July 7, 2015, YDEL)

Even before a former U.S. intelligence contractor exposed the secret collection of Americans' phone records, the Obama administration was pressing a government-wide crackdown on security threats that requires federal employees to keep closer tabs on their co-workers and exhorts managers to punish those who fail to report their suspicions.¶ President Barack Obama's unprecedented initiative, known as the Insider Threat Program, is sweeping in its reach. It has received scant public attention even though it extends beyond the U.S. national security bureaucracies to most federal departments and agencies nationwide, including the Peace Corps, the Social Security Administration and the Education and Agriculture departments. It emphasizes leaks of classified material, but catchall definitions of "insider threat" give agencies latitude to pursue and penalize a range of other conduct.¶ Government documents reviewed by McClatchy illustrate how some agencies are using that latitude to pursue unauthorized disclosures of any information, not just classified material. They also show how millions of federal employees and contractors must watch for "high-risk persons or behaviors" among co-workers and could face penalties, including criminal charges, for failing to report them. Leaks to the media are equated with espionage.¶ "Hammer this fact home . . . leaking is tantamount to aiding the enemies of the United States," says a June 1, 2012, Defense Department strategy for the program that was obtained by McClatchy.¶ The Obama administration is expected to hasten the program's implementation as the government grapples with the fallout from the leaks of top secret documents by Edward Snowden, the former National Security Agency contractor who revealed the agency's secret telephone data collection program. The case is only the latest in a series of what the government condemns as betrayals by "trusted insiders" who have harmed national security.¶ "Leaks related to national security can put people at risk," Obama said on May 16 in defending criminal investigations into leaks. "They can put men and women in uniform that I've sent into the battlefield at risk. They can put some of our intelligence officers, who are in various, dangerous situations that are easily compromised, at risk. . . . So I make no apologies, and I don't think the American people would expect me as commander in chief not to be concerned about information that might compromise their missions or might get them killed."¶ As part of the initiative, Obama ordered greater protection for whistleblowers who use the proper internal channels to report official waste, fraud and abuse, but that's hardly comforting to some national security experts and current and former U.S. officials. They worry that the Insider Threat Program won't just discourage whistleblowing but will have other grave consequences for the public's right to know and national security.¶ The program could make it easier for the government to stifle the flow of unclassified and potentially vital information to the public, while creating toxic work environments poisoned by unfounded suspicions and spurious investigations of loyal Americans, according to these current and former officials and experts. Some non-intelligence agencies already are urging employees to watch their co-workers for "indicators" that include stress, divorce and financial problems.¶ "It was just a matter of time before the Department of Agriculture or the FDA (Food and Drug Administration) started implementing, 'Hey, let's get people to snitch on their friends.' The only thing they haven't done here is reward it," said Kel McClanahan, a Washington lawyer who specializes in national security law. "I'm waiting for the time when you turn in a friend and you get a \$50 reward."¶ The Defense Department anti-leak strategy obtained by McClatchy spells out a zero-tolerance policy. Security managers, it says, "must" reprimand or revoke the security clearances – a career-killing penalty – of workers who commit a single severe infraction or multiple lesser breaches "as an unavoidable negative personnel action."¶ Employees must turn themselves and others in for failing to report breaches. "Penalize clearly identifiable failures to report security infractions and violations, including any lack of self-reporting," the strategic plan says.¶ The Obama administration already was pursuing an unprecedented number of leak prosecutions, and some in Congress – long one of the most prolific spillers of secrets – favor tightening restrictions on reporters' access to federal agencies, making many U.S. officials reluctant to even disclose unclassified matters to the public.¶ The policy, which partly relies on behavior profiles, also could discourage creative thinking and fuel conformist "group think" of the kind that was blamed for the CIA's erroneous assessment that Iraq was hiding weapons of mass destruction, a judgment that underpinned the 2003 U.S. invasion.¶ The real

danger is that you get a bland common denominator working in the government,” warned Ilana Greenstein, a former CIA

case officer who says she quit the agency after being falsely accused of being a security risk. “You don’t get people speaking up when there’s wrongdoing. You don’t get people who look at things in a different way and who are willing to stand up for things. What you get are people who toe

the party line, and that’s really dangerous for national security.” ¶ Obama launched the Insider Threat Program in October 2011 after Army

Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and sent them to WikiLeaks, the anti-government secrecy group. It also followed the 2009 killing of 13 people at Fort Hood, Texas, by Army Maj. Nidal Hasan, an attack that federal authorities failed to prevent even though they were monitoring his emails to an al Qaeda-linked Islamic cleric. ¶ An internal review launched after Manning’s leaks found “wide disparities” in the abilities of U.S. intelligence agencies to detect security risks and determined that all needed improved defenses. ¶ Obama’s executive order formalizes broad practices that the intelligence agencies have followed for years to detect security threats and extends them to agencies that aren’t involved in national security policy but can access classified networks. Across the government, new policies are being developed. ¶ There are, however, signs of problems with the program. Even though it severely restricts the use of removable storage devices on classified networks, Snowden, the former NSA contractor who revealed the agency’s telephone data collection operations, used a thumb drive to acquire the documents he leaked to two newspapers. ¶ “Nothing that’s been done in the past two years stopped Snowden, and so that fact alone casts a shadow over this whole endeavor,” said Steven Aftergood, director of the non-profit Federation of American Scientists’ Project on Government Secrecy. “Whatever they’ve done is apparently inadequate.” ¶ U.S. history is replete with cases in which federal agencies missed signs that trusted officials and military officers were stealing secrets. The CIA, for example, failed for some time to uncover Aldrich Ames, a senior officer who was one of the most prolific Soviet spies in U.S. history, despite polygraphs, drunkenness, and sudden and unexplained wealth. ¶ Stopping a spy or a leaker has become even more difficult as the government continues to accumulate information in vast computer databases and has increased the number of people granted access to classified material to nearly 5 million. ¶ Administration officials say the program could help ensure that agencies catch a wide array of threats, especially if employees are properly trained in recognizing behavior that identifies potential security risks. ¶ “If this is done correctly, an organization can get to a person who is having personal issues or problems that if not addressed by a variety of social means may lead that individual to violence, theft or espionage before it even gets to that point,” said a senior Pentagon official, who requested anonymity because he wasn’t authorized to discuss the issue publicly. ¶ Manning, for instance, reportedly was reprimanded for posting YouTube messages describing the interior of a classified intelligence facility where he worked. He also exhibited behavior that could have forewarned his superiors that he posed a security risk, officials said. ¶ Jonathan Pollard, a former U.S. Navy intelligence analyst sentenced in 1987 to life in prison for spying for Israel, wasn’t investigated even though he’d failed polygraph tests and lied to his supervisors. He was caught only after a co-worker saw him leave a top-secret facility with classified documents. ¶ “If the folks who are watching within an organization for that insider threat – the lawyers, security officials and psychologists – can figure out that an individual is having money problems or decreased work performance and that person may be starting to come into the window of being an insider threat,

superiors can then approach them and try to remove that stress before they become a threat to the organization,” the Pentagon official said. ¶ The program, however,

gives agencies such wide latitude in crafting their responses to insider threats that someone deemed a risk in one agency could be characterized as harmless in another. Even inside an agency, one manager’s disgruntled employee might become another’s threat to national security. ¶ Obama

in November approved “minimum standards” giving departments and agencies considerable leeway in developing their insider threat programs, leading to a potential hodgepodge of interpretations. He instructed

them to not only root out leakers but people who might be prone to “violent acts against the government or the nation” and “potential espionage.”

Russia Impacts

Russia War Outweighs

Magnitude – Russian war is the only scenario for extinction

Bostrom 2

(Nick Bostrom, Ph.D. and Professor of Philosophy at Oxford University, March 2002, Journal of Evolution and Technology, Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards //um-ef)

A much greater existential risk emerged with the build-up of nuclear arsenals in the US and the USSR. An all-out nuclear war was a possibility with both a substantial probability and with consequences that might have been persistent enough to qualify as global and terminal. There was a real worry among those best acquainted with the information available at the time that **a nuclear Armageddon would occur and that it might annihilate our species or permanently destroy human civilization.**^[4] **Russia and the US retain large nuclear arsenals that could be used in a future confrontation, either accidentally or deliberately.** There is also a risk that other states may one day build up large nuclear arsenals. Note however that a smaller nuclear exchange, between India and Pakistan for instance, is not an existential risk, since it would not destroy or thwart humankind's potential permanently. Such a war might however be a local terminal risk for the cities most likely to be targeted. Unfortunately, we shall see that nuclear Armageddon and comet or asteroid strikes are mere preludes to the existential risks that we will encounter in the 21st century

Miscalculation comes first – times of tension make the risk of nuclear use higher – Russian strategy dictates first use of nuclear weapons in case of conflict with the U.S.

Parry 3/2/15

(Robert, Investigative reporter broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s, “Playing Chicken with Nuclear War,” pg online @ <https://consortiumnews.com/2015/03/02/playing-chicken-with-nuclear-war/> //um-ef)

Exclusive: U.S.-Russian tensions keep escalating – now surrounding the murder of Russian opposition figure Boris Nemtsov – **yet almost no one on the American side seems to worry about the possibility that** the tough-guy rhetoric and proxy war in Ukraine **might risk a nuclear conflagration**, writes Robert Parry. The United States and Russia still maintain vast nuclear arsenals of mutual assured destruction, putting the future of humanity in jeopardy every instant. But an unnerving nonchalance has settled over the American side which has become so casual about the risk of cataclysmic war that the West's propaganda and passions now ignore Russian fears and sensitivities. A swaggering goofiness has come to dominate how the United States reacts to Russia, with American politicians and journalists dashing off tweets and op-eds, rushing to judgment about the perfidy of Moscow's leaders, blaming them for almost anything and everything. These days, playing with nuclear fire is seen as a sign of seriousness and courage. Anyone who urges caution and suggests there might be two sides to the U.S.-Russia story is dismissed as a wimp or a stooge. A what-me-worry “group think” has taken hold across the U.S. ideological spectrum. Fretting about nuclear annihilation is so 1960s. So, immediately after last Friday night's murder of Russian opposition figure Boris Nemtsov, the West's media began insinuating that Russian President Vladimir Putin was somehow responsible even though there was no evidence or logic connecting him to the shooting, just 100 meters from the Kremlin, probably the last place Russian authorities would pick for a hit. But that didn't stop the mainstream U.S. news media from casting blame on Putin. For instance, the New York Times published an op-ed by anti-Putin author Martha Gessen saying: “The scariest thing about the murder of Boris Nemtsov is that he himself did not scare anyone,” suggesting that his very irrelevance was part of a sinister political message. Though no one outside the actual killers seems to know yet why Nemtsov was gunned down, Gessen took the case several steps further explaining how – while Putin probably didn't finger Nemtsov for death – the Russian president was somehow still responsible. She wrote: “In all likelihood no one in the Kremlin actually ordered the killing — and this is part of the reason Mr. Nemtsov's murder marks the beginning of yet another new and frightening period in Russian history. The Kremlin has recently created a loose army of avengers who believe they are acting in the country's best interests, without receiving any explicit instructions. Despite his lack of political clout, Mr. Nemtsov was a logical first target for this menacing force.” So, rather than wait for actual evidence to emerge, the Times published Gessen's conclusions and then let her spin off some even more speculative interpretations. Yet, basing speculation upon speculation is almost always a bad idea, assuming you care about fairness and accuracy. Remember how after the Oklahoma City bombing in 1995, some terrorism “experts” not only jumped to the false conclusion that the attack was a case of Islamic terrorism but that Oklahoma was chosen to send a message to Americans that no part of the country was safe. But the terrorist turned out to be a white right-wing extremist lashing out at the federal government. While surely hard-line Russian nationalists, who resented Nemtsov's support for the U.S.-backed Ukrainian regime in Kiev, should be included on a list of early suspects, there are a number of other possibilities that investigators must also consider, including business enemies, jealous rivals and even adversaries within Russia's splintered opposition – though that last one has become a target of particular ridicule in the West. Yet, during my years at the Associated Press, one of my articles was about a CIA “psychological operations” manual which an agency contractor prepared for the Nicaraguan Contra rebels noting the value of assassinating someone on your own side to create a “martyr” for the cause. I'm in no way suggesting that such a motive was in play regarding Nemtsov's slaying but it's not as if this idea is entirely preposterous either. My point is that even in this age of Twitter when everyone wants to broadcast his or her personal speculation about whodunit to every mystery, it would be wise for news organizations to resist the temptation. Surely, if parallel

circumstances occurred inside the United States, such guess work would be rightly dismissed as “conspiracy theory.” Nuclear Mischief Plus, this latest rush to judgment isn’t about some relatively innocuous topic – like, say, how some footballs ended up under-inflated in an NFL game – this situation involves how the United States will deal with Russia, which possesses some 8,000 nuclear warheads – roughly the same size as the U.S. arsenal – while the two countries have around 1,800 missiles on high-alert, i.e., ready to launch at nearly a moment’s notice. Over the weekend, I participated in a conference on nuclear dangers sponsored by the Helen Caldicott Foundation in New York City. On my Saturday afternoon panel was Seth Baum of the Global Catastrophic Risk Institute who offered a sobering look at how the percentage chances of a nuclear war – though perhaps low at any given moment – add up over time to quite likely if not inevitable. He made the additional observation that those doomsday odds rise at times of high tensions between the United States and Russia. As Baum noted, at such crisis moments, the people responsible for the U.S. and Russian nuclear weapons are more likely to read a possible computer glitch or some other false alarm as a genuine launch and are thus more likely to push their own nuclear button. In other words, it makes good sense to avoid a replay of the Cuban Missile Crisis in reverse by edging U.S. nuclear weapons up against Russia’s borders, especially when U.S. politicians and commentators are engaging in Cold War-style Russia-bashing. Baiting the Russian bear may seem like great fun to the tough-talking politicians in Washington or the editors of the New York Times and Washington Post but this hostile rhetoric could be taken more seriously in Moscow. When I spoke to the nuclear conference, I noted how the U.S. media/political system had helped create just that sort of crisis in Ukraine, with every “important” person jumping in on the side of the Kiev coup-makers in February 2014 when they overthrew elected President Viktor Yanukovich. Since then, nearly every detail of that conflict has been seen through the prism of “our side good/their side bad.” Facts that put “our side” in a negative light, such as the key role played by neo-Nazis and the Kiev regime’s brutal “anti-terrorism operation,” are downplayed or ignored. Conversely, anything that makes the Ukrainians who are resisting Kiev’s authority look bad gets hyped and even invented, such as one New York Times’ lead story citing photos that supposedly proved Russian military involvement but quickly turned out to be fraudulent. [See Consortiumnews.com’s “NYT Retracts Russian Photo Scoop.”] At pivotal moments in the crisis, such as the Feb. 20, 2014 sniper fire that killed both police and protesters and the July 17, 2014 shoot-down of Malaysia Airlines Flight 17 killing 298 passengers and crew, the U.S. political/media establishment has immediately pinned the blame on Yanukovich, the ethnic Russian rebels who are resisting his ouster, or Putin. Then, when evidence emerged going in the opposite direction – toward “our side” – a studied silence followed, allowing the earlier propaganda to stay in place as part of the preferred storyline. [See, for instance, Consortiumnews.com’s “President Gollum’s ‘Precious’ Secrets.”] A Pedestrian Dispute One of the points of my talk was that the Ukrainian crisis emerged from a fairly pedestrian dispute, i.e., plans for expanding economic ties with the European Union while not destroying the historic business relationship with Russia. In November 2013, Yanukovich backed away from signing an EU association agreement when experts in Kiev announced that it would blow a \$160 billion hole in Ukraine’s economy. He asked for more time. But Yanukovich’s decision disappointed many western Ukrainians who favored the EU agreement. Tens of thousands poured into Kiev’s Maidan square to protest. The demonstrations then were seized upon by far-right Ukrainian political forces who have long detested the country’s ethnic Russians in the east and began dispatching organized “sotins” of 100 fighters each to begin firebombing police and seizing government buildings. As the violence grew worse, U.S. neoconservatives also saw an opportunity, including Sen. John McCain, R-Arizona, who told the protesters the United States was on their side, and Assistant Secretary of State for European Affairs Victoria Nuland, who passed out cookies to the protesters and plotted with U.S. Ambassador Geoffrey Pyatt on who would become the new leaders of Ukraine. [See Consortiumnews.com’s “NYT Still Pretends No Coup in Ukraine.”] Thus, a very manageable political problem in Ukraine was allowed to expand into a proxy war between nuclear-armed United States and Russia. Added to it were intense passions and extensive propaganda. In the West, the Ukraine crisis was presented as a morality play of people who “share our values” pitted against conniving Russians and their Hitler-like president Putin. In Official Washington, anyone who dared suggest compromise was dismissed as a modern-day Neville Chamberlain practicing “appeasement.” Everyone “serious” was set on stopping Putin now by shipping sophisticated weapons to the Ukrainian government so it could do battle against “Russian aggression.” The war fever was such that no one raised an eyebrow when Ukraine’s Deputy Foreign Minister Vadym Prystaiko told Canada’s CBC Radio last month that the West should no longer fear fighting nuclear-armed Russia and that Ukraine wanted arms for a “full-scale war” against Moscow. “Everybody is afraid of fighting with a nuclear state. We are not anymore, in Ukraine,” Prystaiko said. “However dangerous it sounds, we have to stop [Putin] somehow. For the sake of the Russian nation as well, not just for the Ukrainians and Europe. ... What we expect from the world is that the world will stiffen up in the spine a little.” [See Consortiumnews.com’s “Ready for Nuclear War over Ukraine?”] Instead of condemning Prystaiko’s recklessness, more U.S. officials began lining up in support of sending lethal military hardware to Ukraine so it could fight Russia, including Director of National Intelligence James Clapper who said he favored the idea though it might provoke a “negative reaction” from Moscow. Russian Regime Change Even President Barack Obama and other U.S. leaders who have yet to publicly endorse arming the Kiev coup-makers enjoy boasting about how much pain they are inflicting on the Russian economy and its government. In effect, there is a U.S. strategy of making the Russian economy “scream,” a first step toward a larger neocon goal to achieve “regime change” in Moscow. Another point I made in my talk on Saturday was how the neocons are good at drafting “regime change” plans that sound great when discussed at a think tank or outlined on an op-ed page but often fail to survive in the real world, such as their 2003 plan for a smooth transition in Iraq to replace Saddam Hussein with someone of their choosing – except that it didn’t work out that way. Perhaps the greatest danger from the new neocon dream for “regime change” in Moscow is that whoever follows Putin might not be the pliable yes man that the neocons envision, but a fierce Russian nationalist who would suddenly have control of their nuclear launch codes and might decide that it’s time for the United States to make concessions or face annihilation. On March 3, the Washington Post’s neocon editorialists emphasized the need for ousting Putin as they praised Nemtsov and other anti-Putin activists who have urged an escalation of Western pressure on Russia. The Post wrote: “They say he [Putin] can be stopped only by steps that decisively raise the cost of his military aggression and cripple the financial system that sustains his regime.” The Post then added its own suggestion that Putin was behind Nemtsov’s murder and its own hope that Putin might be soon be removed, saying: “It’s not known who murdered Mr. Nemtsov, and it probably won’t be as long as Mr. Putin remains in power.” Yet, what I find truly remarkable about the Ukraine crisis is that it was always relatively simple to resolve: Before the coup, Yanukovich agreed to reduced powers and early elections so he could be voted out of office. Then, either he or some new leadership could have crafted an economic arrangement that expanded ties to the EU while not severing them with Russia. Even after the coup, the new regime could have negotiated a federalized system that granted more independence to the disenfranchised ethnic Russians of eastern Ukraine, rather than launch a brutal “anti-terrorist operation” against those resisting the new authorities. But Official Washington’s “group think” has been single-minded: only bellicose anti-Russian sentiments are permitted and no suggestions of accommodation are allowed.

The impact is extinction – this is the fastest and most likely scenario, miscalc is likely

Hallam 9

(John, Editor of Nuclear Flashpoints, John Burroughs and Marcy Fowler, Lawyers Committee on Nuclear Policy, NPT Preparatory Committee, Steps Toward a Safer World, <http://www.pndnsw.org.au/articles/features/86-steps-towards-a-safer-world.html>)

Why did an article in the September 2008 edition of the Bulletin of the Atomic Scientists, entitled “avoiding human extinction” give a list of measures needed to avoid that, with lowering the operating status of nuclear weapon systems (along with their elimination) topping the rather consequential “to - do” list, even before climate - change measures and incoming large asteroids? Why over the years has this issue been thought so important at such a high level? The US and Russia undeniably keep a large number (estimated by Blair at 2,654 by Kristensen more recently 2,300) of nuclear warheads

(both land - based ICBMs and SLBMs) in a status in which they can be launched at roughly 2 minutes or less notice. This fact is never seriously disputed. The

core of the issue is that standard operating procedures envisage extremely short decision making timeframes, and these are imposed by the simple fact of having some missiles on quick - launch status. Careful and

measured decision-making in such a situation is simply not possible. Yet the consequences of such decisions are truly apocalyptic. Recent research by US scientists (Toon and Robock 2008/9) on the effects of the use of US and Russian arsenals indicates that even at levels down to 1000

warheads, the use by malice, madness, miscalculation or malfunction of the 'on alert' portions of US and Russian strategic nuclear forces would be essentially terminal for civilization. Maintaining arsenals in an unstable configuration was insanely risky during

the Cold War, when there were even larger numbers of warheads on alert and when there were just too many occasions on which it would be fair to say that the world came just too close to ending. There is even less reason, now that the cold - war confrontation has supposedly ended, to maintain nuclear forces in these dangerous configurations. Yet in spite of denials and obfuscations from those who wish to maintain existing postures they are indeed so maintained. President Obama, in his election manifesto, promised to negotiate with Russia to lower the operational status of nuclear weapon systems. It is vital that this promise is not forgotten. The talks between the US and Russia on the successor to the START Treaty are an ideal opportunity to take action to implement Obama's promises to negotiate with Russia to achieve lower operational status of nuclear weapon systems.

Impacts: War Risk High

U.S.–Russia relations are at an all time low– collapse led to economic losses and global conflict and next year will be worse

Pearson 14

(Natalie Obiko Pearson, New Delhi Deputy Bureau Chief & Covering South Asia Politics at Bloomberg LP. Knight-Bagehot Fellowship at Columbia University, “Thought This Year Was Bad? 2015 Doesn’t Look Much Better,” 12/9/2014, <http://www.bloomberg.com/news/2014-12-09/thought-this-year-was-bad-2015-doesn-t-look-much-better.html//ghs-DM>)

If Russia’s tussle with Ukraine and the Islamic State’s advance in the Middle East roiled markets in 2014, next year could be even worse. ¶ Russia is headed for a prolonged recession, China’s territorial spats with neighbors will probably start to impact trade and Iraq could collapse into full-scale sectarian violence, according to the latest annual outlook from Control Risks, a global risk advisory company whose clients include Fortune 100 companies and governments. ¶ **“2015 will be a difficult year for business,”** Richard Fenning, Control Risks’s chief executive officer, said in the report. **“Not only is the relationship between business and politics at an all-time low, relations between states are at their worst** since the height of the Cold War.” ¶ **Investors were “caught short” this year by the sudden deterioration in relations between Russia and the U.S. over Ukraine, which caused losses across the finance, agriculture, automotives and energy industries.** Similarly, companies aren’t adequately pricing in the dangers of intensifying naval brinkmanship between China and its neighbors, the report said. ¶ “Mind the threat of escalation from seemingly minor confrontations and the scope for accident and miscalculation,” it said. Seas off China’s coast are now Asia’s top flashpoint, eclipsing long-standing concerns over the Taiwan Strait, Korean Peninsula, and India and Pakistan, it said. ¶ ‘Deflating Optimism’ ¶ More troubling for multinational companies is how politicians are increasingly ill-equipped or unwilling to find solutions, it said. **Politicians are finding they lack the power they once had, particularly in the U.S** and Europe, even as international supply chains become more vulnerable to national disputes. ¶ “The nature of modern political power makes fixing international problems so difficult,” the report said. **“2015 will be characterized by deflating optimism, continued conflict, and widening failure of global governance to address the issues.”** ¶ **Geopolitical tensions can spark armed conflicts or trade sanctions that upend business plans.** Increasingly complex anti-corruption regulations and data privacy laws makes regulatory investigations likelier than ever. ¶ Technology and weak state power are providing more opportunities for terrorists and cyber-criminals with little prospect of the international cooperation and policing necessary to fight it. ¶ “It’s the cheapest form of warfare since the bow and arrow,” it said. ¶ Falling commodity prices will bring little cheer as governments from Nigeria to Russia to Iran struggle with less revenue to deliver jobs and ensure stability, it said. Brent crude has fallen about 40 percent this year, according to data compiled by Bloomberg. ¶ “The lines between what have always been considered ‘safe’ and ‘risky’ opportunities blur,” Fenning said. “Opportunities will continue to abound for ambitious international companies. **But uncertain economics and volatile politics will make 2015 more than usually challenging.”**

U.S-Russia relations are starting to collapse now

WSJ 14

(Carol E. Lee, white house correspondent in Washington Bureau, William Mauldin, reporter for WSJ, Jay Solomon, writes about foreign affairs and national security from The Wall Street Journal's Washington DC bureau. “U.S.-Russia Relations Come Full Circle After Ukraine,” 4/20/14, <http://www.wsj.com/articles/SB10001424052702304810904579510081779229084//ghs-DM>)

Mr. Putin's government has indicated in recent weeks that it might begin to pursue policies that could upend even these advances. **Moscow is negotiating a \$20 billion barter deal for Iranian oil that Americans say could undercut the nuclear talks.** The Kremlin has also hinted at less support for the U.S. in Afghanistan as the U.S. moves to pull its forces out by year-end. ¶ **The fallout may be only starting. Mrs. Clinton,** who helped oversee Russia policy through the first Obama term, **is considering a run for president and has been toughening her attitude toward Mr. Putin, comparing Russia's move into Ukraine to one of Hitler's military**

campaigns.[¶] Mr. Putin served two terms as Russia's president before moving in May 2008 to prime minister, a much less powerful role. He backed Mr. Medvedev, a lawyer with a moderate attitude toward the West, as president.[¶] Eight months later the Obama administration arrived in Washington, supported by a war-weary public eager to chart a different foreign-policy path from its predecessor.

Yes Russia War

And, risk of Ukraine crisis spiraling is high

Allison and Simes 4/20

(Graham Allison, director of the Harvard Kennedy School's Belfer Center for Science and International Affairs and a former assistant secretary of defense for policy and plans. Dimitri K. Simes, The National Interest's publisher, is president of the Center for the National Interest, "Russia and America: Stumbling to War," pg online @ <http://nationalinterest.org/feature/russia-america-stumbling-war-12662?page=2//ghs-ef>)

Most dangerous are disagreements over the international system and the prerogatives of major powers in their immediate neighborhoods—disputes of the sort that have historically produced the greatest conflicts. And these are at the core of U.S. and Western tensions with Russia and, even more ominously, with China. At present, the most urgent challenge is the ongoing crisis in Ukraine. There, one can hear eerie echoes of the events a century ago that produced the catastrophe known as World War I. For the moment, the ambiguous, narrow and inconsistently interpreted Minsk II agreement is holding, and we can hope that it will lead to further

agreements that prevent the return of a hot war. But the war that has already occurred and may continue reflected deep contradictions that America cannot resolve if it does not address them honestly and directly. In the United States and Europe, many believe that the best way to prevent Russia's resumption of its historic imperial mission is to assure the independence of Ukraine. They insist that the West must do whatever is required to stop the Kremlin from establishing direct or indirect control over that country. Otherwise, they foresee Russia reassembling the former Soviet empire and threatening all of Europe. Conversely, in Russia, many claim that while Russia is willing to recognize Ukraine's sovereignty and territorial integrity (with the exception of Crimea), Moscow will demand no less than any other great power would on its border. Security on its western frontier requires a special relationship with Ukraine and a degree of deference expected in major powers' spheres of influence. More specifically, Russia's establishment sentiment holds that the country can never be secure if Ukraine joins NATO or becomes a part of a hostile Euro-Atlantic community. From their perspective, this makes Ukraine's nonadversarial status a nonnegotiable demand for any Russia powerful enough to defend its national-security interests. When the Soviet Union collapsed in 1991, Russia was on its knees, dependent on Western assistance and consumed by its own internal affairs. In that context, it was not surprising that Western leaders became accustomed to ignoring Russian perspectives. But since Vladimir Putin took over in 1999, he has led a recovery of Russia's sense of itself as a great power. Fueled by rising oil production and prices that brought a doubling of Russia's GDP during his fifteen-year reign, Russians increasingly bristled at such treatment. Americans would do well to recall the sequence of events that led to Japan's attack on the United States at Pearl Harbor and America's entry into the Second World War. In 1941, the United States imposed a near-total embargo on oil shipments to Japan to punish its aggression on the Asian mainland. Unfortunately, Washington drastically underestimated how Japan would respond. As one of the post-World War II "wise men," Secretary of State Dean Acheson, observed afterward, the American government's misreading was not of what the Japanese government proposed to do in Asia, not of the hostility our embargo would excite, but of the incredibly high risks General Tojo would assume to accomplish his ends. No one in Washington realized that he and his regime regarded the conquest of Asia not as the accomplishment of an ambition but as the survival of a regime. It was a life-and-death matter to them. Just days before Pearl Harbor, Japanese special envoy Saburo Kurosu told Washington that "the Japanese people believe that economic measures are a much more effective weapon of war than military measures; that . . . they are being placed under severe pressure by the United States to yield to the American position; and that it is preferable to fight rather than to yield to pressure." Despite

this warning, the Japanese response to U.S. economic warfare caught the United States off guard, killing nearly 2,500 people and sinking much of the U.S. Pacific Fleet. Reviewing the recent record of American administrations' forecasts about the consequences of major foreign-policy choices should serve as a bright warning light. The Clinton administration misread an extended and bloody civil war in Yugoslavia before imposing its own shaky partition and angering Russia and China in the process. When George W. Bush decided to invade Iraq and replace Saddam Hussein's regime with a democratically elected one, he believed that this would, as he said, "serve as a powerful example of liberty and freedom in a part of the world that is desperate for liberty and freedom." He and his team held firmly to this conviction, despite numerous warnings that war would fragment the country along tribal and religious lines, that any elected government in Baghdad would be Shia-dominated and that Iran would be the principal beneficiary from a weakened Iraq. Next, the Obama administration joined Britain and France in a major air campaign in Libya to remove Muammar el-Qaddafi. The consequent chaos contributed to the killings of a U.S. ambassador and other American diplomats and to the creation of a haven for Islamic extremists more threatening than Qaddafi's Libya to its neighbors and to America. In Syria, at the outset of the civil war, the Obama administration demanded the ouster of President Bashar al-Assad, even though he never posed a direct threat to America. Neither the Obama administration nor members of Congress took seriously predictions that Islamic extremists would dominate the Syrian opposition rather than more moderate forces—and that Assad would not be easy to displace. COULD A U.S. response to

Russia's actions in Ukraine provoke a confrontation that leads to a U.S.-Russian war? Such a possibility seems almost inconceivable. But when judging something to be "inconceivable," we should always remind ourselves that this is a statement not about what is possible in the world, but about what we can imagine. As Iraq, Libya and Syria demonstrate, political leaders often have difficulties envisioning events they find uncomfortable, disturbing or inconvenient. Prevailing views of the current confrontation with Russia over Ukraine fit this pattern. Since removing Slobodan Milosevic, Saddam Hussein and Muammar el-Qaddafi from power had limited direct impact on most Americans, it is perhaps not surprising that most Washington policy makers and analysts assume that challenging Russia over Ukraine and seeking to isolate Moscow internationally and cripple it economically will not come at a significant cost.

much less pose real dangers to America. After all, the most common refrain in Washington when the topic of Russia comes up is that “Russia doesn’t matter anymore.” No one in the capital enjoys attempting to humiliate Putin more than President Barack Obama, who repeatedly includes Russia in his list of current scourges alongside the Islamic State and Ebola. And there can be no question that as a petrostate, Russia is vulnerable economically and has very few, if any, genuine allies. Moreover, many among its business and intellectual elites are as enthusiastic as the Washington Post editorial page to see Putin leave office. Ukrainians with the same view of former Ukrainian president Viktor F. Yanukovich successfully ousted him with limited Western help, so, it is argued, perhaps Putin is vulnerable, too. **Nevertheless, Russia is very different from the other countries where the United States has supported regime change.** First and most important, **it has a nuclear arsenal capable of literally erasing the United States from the map.** While many Americans have persuaded themselves that **nuclear weapons are** no longer relevant in international politics, officials and generals **in Moscow** feel differently. Second, regardless of how Americans view their country, **Russians see it as a great power.** Great powers are rarely content to serve simply as objects of other states’ policies, where they have the power to do so, they take their destiny into their own hands, for good or ill. **WHILE MOST policy makers and commentators dismiss the possibility of a U.S.-Russian war we are more concerned about the drift of events than at any point since the end of the Cold War.** We say this **having followed Soviet and Russian affairs** throughout the Cold War and in the years since the Soviet Union’s implosion in 1991. **And** we say it **after one of us recently spent a week in Moscow talking candidly with individuals in and around the Putin government, including with many influential Russian officials** and the other in China listening to views from Beijing. **We base our assessment on** these conversations as well as other **public and private sources**. There are three key factors in considering how **today’s conflict might escalate to war:** Russia’s decision making, Russia’s politics and U.S.-Russian dynamics. With respect to Russia’s decision making, **Putin** is recognized both inside and outside the country as the unilateral decider. **All available evidence suggests that he relies on a very narrow circle of advisers,** none of whom is prepared to challenge his assumptions. **This process is unlikely to help Putin make informed decisions** that fully take account of the real costs and benefits. Moreover, **Russia’s political environment, at both the elite and public levels, encourages Putin to escalate demands rather than make concessions.** At the elite level, Russia’s establishment falls into two camps: a pragmatic camp, which is currently dominant thanks principally to Putin’s support, and a hard-line camp. The Russian public largely supports the hard-line camp, whom one Putin adviser called the “hotheads.” Given Russian politics today, Putin is personally responsible for the fact that Russia’s revanchist policies are not more aggressive. Put bluntly, Putin is not the hardest of the hard-liners in Russia. **While none of the “hotheads” criticize Putin** even in private conversations, **a growing number of military and national-security officials favor a considerably tougher approach to the U.** States and Europe in the Ukraine crisis. This is apparent in their attacks on such relatively moderate cabinet officers as Vice Prime Minister Igor Shuvalov and Foreign Minister Sergey Lavrov. **From their perspective, the moderates fail to comprehend the gravity of the U.S.-European challenge to Russia and hold futile hopes that things can change for the better without Russia surrendering** to an unacceptable and degrading foreign diktat. **They recommend shifting the game to areas of Russian strength—by using military force to advance Russian interests as Putin did in Crimea** and to pressure the West into accepting Moscow on its own terms. An increasingly nationalistic Russian public also supports this “challenge the main enemy” approach, which draws its language and inspiration from former Soviet leader Yuri Andropov. Putin has clearly contributed to growing nationalist sentiments through his patriotic rhetoric and his harsh indictment of Western behavior. But he was pushing on an open door due to widespread disillusionment with Western treatment of Russia as a Cold War loser rather than an ally in building a new world order. What’s more, ordinary Russians may have gone further in their truculent views than Putin himself. Not long ago, Russia’s media widely reported a warning from the recently dismissed rebel commander Igor Strelkov, who said that by being too indecisive, Putin would satisfy no one and would suffer the same fate as Slobodan Milosevic—rejection by liberals and nationalists alike. More recently, Strelkov has reportedly placed Putin’s portrait prominently in his office, explaining that in his view the Russian president “understood that all compromise with the West is fruitless” and that he is “reestablishing Russian sovereignty.” Strelkov often exaggerates, but his views reflect the frustrations of Russia’s influential nationalist coalition. **Added support for a more muscular assertiveness comes from an expanding group of military officers and civilians who believe that Russia can brandish its nuclear weapons to good effect.** According to this group, Russia’s nuclear arsenal is not just its ultimate security blanket but also a sword it can wield to coerce others who have no nuclear weapons, as well as those who are unwilling to think the unthinkable of actually exploding a nuclear bomb. Putin appeared to endorse this view in his controversial Sochi speech last September when he said: Nikita Khrushchev hammered the desk with his shoe at the UN. And the whole world, primarily the United States and NATO, thought, “This Nikita is best left alone, he might just go and fire a missile. We better show some respect for them.” Now the Soviet Union is gone and there is no need to take into account Russia’s views. It has gone through transformation during the collapse of the Soviet Union, and we can do whatever we like, disregarding all rules and regulations. The director of the television network Rossiya Segodnya, Dmitry Kiselyov, has been more explicit, repeatedly warning, “Russia is the only country in the world that is realistically capable of turning the United States into radioactive ash.” Russia’s 2014 Military Doctrine emphasizes that **Russia will use nuclear weapons not only in response to nuclear attacks but also “in the case of aggression against the Russian Federation with the use of conventional weapons.”** And, as a recent report of the European Leadership Network notes, there have been almost forty incidents in the past year in which Russian forces engaged in a pattern of provocations that, if continued, “could prove catastrophic.” Counterintuitive though it may seem, Russia’s weakening economy is also unlikely to create public pressure for concessions. On the contrary, the damage to an already-stagnant Russian economy suffering from low energy prices is actually reducing Putin’s foreign-policy flexibility. **Russia’s president needs to show that his country’s suffering has been worth it. Retreat could severely damage Putin’s carefully cultivated image as a strong man**—a style Russians have historically appreciated—and alienate his hypernationalist political base. They resent sanctions, which they see as hurting ordinary people much more than Putin’s entourage, and they want their leaders to resist, not capitulate. **For many, Russia’s dignity is at stake.** This came through clearly in a recent conversation with a top Russian official. When asked why his government would not try to negotiate a deal based on principles it has already articulated, such as exchanging Russian guarantees of Ukraine’s territorial integrity minus Crimea and Ukraine’s right to move toward the European Union for Western guarantees that Ukraine would not join NATO and that the United States and the European Union would relax sanctions, the official responded by saying, “We have our pride and cannot appear to be pressuring the insurgents to have sanctions reduced.” **THE KEY question is this: Will Putin continue to support the relatively moderate pragmatists, or will he turn toward the “hotheads”?** So far, he has split the difference: Russia has provided effective but limited support to the separatists, while at the same time hoping against hope to restore many of its ties with the West (or at least with Europe). Putin has also tried to conceal the scale of Russia’s intervention in order to temporize and to exploit U.S.-European and intra-

European differences. Currently, the pragmatists retain the upper hand, in no small part because Putin has kept his government team almost intact both in the cabinet and in the presidential administration. While loyal to Putin and prepared to execute his agenda, that team consists primarily of officials whose formative experiences have been in establishing economic interdependence with the West and in attempting to make Russia a major voice in a world order predominantly shaped by the United States and its allies. Foreign Minister Lavrov and others supporting his more pragmatic approach argue that Moscow can still do business with the United States, and especially with the Europeans if Russia doesn't close the door. The "hotheads" take the opposite view, insisting that the West would view any moderation in Russian policy as a sign of weakness. Portraying themselves as realists, they argue that NATO is determined to overthrow Putin, force Russia to its knees and perhaps even dismember the country. Putin's reluctance to change course dramatically so far explains his hybrid war in eastern Ukraine, which helps the separatists without Russia formally entering the conflict. It also underlies Russia's unpersuasive denials that it is giving military support to the separatists, which simultaneously make Moscow subject to justified criticism and create unfounded hope in Washington and in Europe that Russia will be unable to absorb higher casualties in a war in which it claims not to participate. Yet **Putin's attempt to pursue the pragmatists' broad objectives while accommodating the "hotheads" on the ground in Ukraine may not be indefinitely sustainable**. An increasingly prevalent view among Putin's advisers sees hopes of a restoration of Western-Russian cooperation as a lost cause because U.S. and Western leaders will not accept any resolution that meets Russia's minimal requirements. **If the United States and the European Union would largely remove sanctions and restore business as usual, they would urge that Russia swallow its pride and reconcile. But if Russia is going to continue to be sanctioned, excluded from financial markets and denied Western technology, they say, then Russia should pursue its own independent path**. Putin has yet to face a decisive moment that would require him to make a fateful choice between accommodating Western demands and more directly entering the conflict and perhaps even using force against Western interests outside Ukraine. And **if that moment arrives, we may well not welcome his choice**.

Yes Miscalc

Allison and Simes 4/20

(Graham Allison, director of the Harvard Kennedy School's Belfer Center for Science and International Affairs and a former assistant secretary of defense for policy and plans. Dimitri K. Simes, The National Interest's publisher, is president of the Center for the National Interest, "Russia and America: Stumbling to War," pg online @ <http://nationalinterest.org/feature/russia-america-stumbling-war-12662?page=2//ghs-ef>)

Initially, Putin will attempt to exploit the expiration of EU sanctions, which are scheduled to expire in July. If that fails, however, and the European Union joins the United States in imposing additional economic sanctions, such as excluding Moscow from the SWIFT financial clearing system, Putin would be tempted to respond not by retreating, but by ending all cooperation with the West and mobilizing his people against a new and "apocalyptic" threat to Mother Russia. As a leading Russian politician told us, "We stood all alone against Napoleon and against Hitler. It was our victories against aggressors, not our diplomacy, that split enemy coalitions and provided us with new allies." At that point, Putin would likely change both his team and the thrust of his foreign policy. As a senior official said, "The president values loyalty and consistency, so letting people go and announcing fundamental policy changes comes hard to him. But he is a decisive man and when he reaches a decision, he does whatever it takes to get results." This would mean a significantly more belligerent Russian policy across all issues driven by a narrative about a Western campaign to undermine the regime or indeed to cause the collapse of the country. Among other things, it would likely mean an end to cooperation on projects like the International Space Station, supplies of strategic metals like titanium, dealing with

Iran's nuclear program and stabilizing Afghanistan. In the latter case, this could include not only pressuring Central Asian states to curtail security cooperation with the

United States, but also exploiting political differences in the Afghan ruling coalition to support the remnants of the Northern Alliance. **ONCE THE U.S.-Russian relationship enters the zone of heated confrontation**, senior military officers on both sides **will inevitably play a greater role**. **As the world saw in the lead-up to World War I, when the security dilemma takes hold, what look like reasonable**

precautions to one side may well appear as evidence of likely aggression to the other. Clausewitz describes the relentless logic that pushes each side toward "a new mutual enhancement, which, in pure conception, must create a fresh effort towards an extreme." Commanders have to think in terms of capabilities rather than intentions. This pushes them

toward steps that are tactically prudent but that invite strategic misinterpretation. **Predictably, leaders and their military advisers will also**

miscalculate. Before World War I, Kaiser Wilhelm II did not believe that Russia would dare to go to war because its defeat by Japan less than a decade earlier had demonstrated the Russian military's incompetence.

At the same time, Russian defense minister Vladimir Sukhominov was assuring the czar that Russia was ready for battle and that Germany had already decided to attack. As Sukhominov said in 1912, "Under any circumstances the war is unavoidable and it is advantageous for us to start it sooner rather than later . . . His Majesty and I believe in the army and know that the war will only bring good things to us." In Berlin, the German General Staff also argued for quick action, fearing the impending completion of a new network of rail lines that would allow the czar to move Russian divisions rapidly to Germany's border. After the assassination of Archduke Franz Ferdinand, as the crisis intensified, military commanders in both Russia and Germany rushed not to be the second to mobilize. As the Russian General Staff told Nicholas II, only an immediate and full-scale mobilization would prevent a quick defeat, if not of Russia itself, then at least of France, whose long-term support Russia needed to withstand the German assault. LATVIA, ESTONIA, and Lithuania form the Achilles' heel of the NATO alliance. They are protected by its Article 5 guarantee that an attack upon one will be regarded as an attack upon all. Thus, the United States has an unambiguous and undeniable responsibility to deter and defend attacks on the Baltic states. Given their size, proximity to

Russia and substantial Russian-speaking minorities, this is a daunting requirement. **It is not difficult to imagine scenarios in which either U.S. or**

Russian action could set in motion a chain of events at the end of which American and Russian troops

would be killing each other. There is currently a lively discussion among Russian hard-liners about how

Russian dominance in both conventional forces and tactical nuclear weapons in Central and Eastern

Europe could be used to Russia's advantage. Putin has talked publicly about his willingness to use nuclear weapons to repel any effort to retake Crimea—noting that he relied on

Russia's nuclear arsenal during the Crimean operation. **In these debates, many ask whether President Obama would risk losing**

Chicago, New York and Washington to protect Riga, Tallinn and Vilnius.

It is a troubling question. If you want to either dumbfound or silence a table next to you in a restaurant in Washington or Boston, ask your fellow diners what they think. If stealthy Russian military forces were to take control of Estonia or Latvia, what should the United States do? Would they support sending Americans to fight for the survival of Estonia or Latvia? Imagine, for example, an uprising of ethnic Russians in Estonia or Latvia, either spontaneously or at the instigation of Russian security services; a heavy-handed response by that nation's weak police and military forces; an appeal by ethnic Russians to Putin to honor his "Putin Doctrine" declaration during the liberation of Crimea that he would come to the defense of ethnic Russians wherever they were attacked; an attempted replay of the hybrid war against Ukraine; and a confrontation with the battalion of six hundred American or NATO forces now on regular rotations through the Baltic states. Some Russians have gone so far as to suggest that this would provide sufficient provocation for Moscow to use a tactical nuclear weapon; Russia's ambassador to Denmark, for example, recently threatened that Danish participation in NATO's missile-defense system would make it "a target for Russian nuclear weapons." What's more, Russia is exploring stationing Iskander missiles in Kaliningrad—the Russian enclave between Lithuania and Poland—while

Sweden's intelligence has publicly stated that it views Russian intelligence operations as preparation for "military operations against Sweden." **IN A climate of mutual suspicion**

further fueled by domestic politics on both sides, assurances of benign intentions rarely suffice. Christopher Clark's

2013 book, *The Sleepwalkers*, provides a persuasive account of how, in the days preceding World War I, **both alliances contemptuously dismissed the**

explanations and assurances they heard from the other side. Of course, alliances are now Putin's weakest point. Russia does not have a single ally committed

to supporting Moscow in war. Nevertheless, one should be cautious about counting on Moscow's isolation in a longer-term confrontation with the West. One reason Kaiser Wilhelm II presented his ultimatum to Russia was that he did not believe England would join Russia in a war over the crisis in the Balkans, where London had traditionally opposed Russian influence. Furthermore, without England, few expected France to offer much resistance. What those who count on Russian isolation today do not properly take into account is that a powerful and assertive alliance prepared to pursue its interests and promote its values inevitably stimulates antibodies. It was that sense of Germany's determination to change the geopolitical balance in Europe and in the world that prompted Britain to depart from a century of splendid isolation and become so entangled with allies that when war came, it had little choice but to enter. It is the same sense that is leading China today to expand its ties with Russia during its conflict with the United States. To be clear, there is virtually no chance that China would join Russia against the United States and Europe in a confrontation over Ukraine. Likewise, China is not prepared to bail Russia out financially or to risk its lucrative economic integration with the West to support Moscow's revanchist ambitions. But neither is Beijing indifferent to the possibility of Russia's political, economic or (particularly) military defeat by the Western alliance. Many in Beijing fear that if the United States and its allies were successful in defeating Russia, and particularly in changing the regime in Russia, China could well be the next target. The fact that the Chinese leadership views this as a serious threat could, over time, push Beijing closer to Moscow, a development that would

fundamentally alter the global balance of power. Moreover, **if there were a Russian-American war, one needs to think carefully about**

what actions the Chinese might choose to take against Taiwan, for example, **or even to punish neighbors like**

Japan or Vietnam whom Beijing believes are cooperating with Washington to contain its ambitions. Neither

China nor Russia is the first state to confront a powerful and growing alliance. Nor is the United States the first to receive enthusiastic appeals from prospective allies that can add marginally to overall capabilities, but simultaneously bring obligations and make others feel insecure. In a timeless passage in his *History of the Peloponnesian War*, Thucydides recounts the Athenian response to a troubled Sparta: "We did not gain this empire by force. . . . Our allies came to us of their own accord and begged us to lead them." Needless to say, Sparta did not find that explanation reassuring—and that excuse did not prevent thirty years of war that ended with defeat for Athens,

but at a price far beyond any benefits that accrued to the victor. **To recognize the potentially catastrophic consequences of war with Russia**

does not require paralysis in addressing the challenge of a resurgent but wounded Russia. The United States

has a vital interest in maintaining its credibility as a superpower and in assuring the survival and security

of its NATO alliance—and thus of every one of its NATO allies. Moreover, in international politics, **appetites can grow quickly if fed by easy victories**.

The Russian president's currently limited objectives in Ukraine could become more expansive if Russia

does not face serious resistance. After all, the smooth annexation of Crimea led to an outburst of triumphalist rhetoric in Moscow about creating a new entity, Novorossiia, which would

include eastern and southern Ukraine all the way to the Romanian border. The combination of resistance by local populations, the Ukrainian government's willingness to fight for its territory, and U.S. and EU sanctions quickly persuaded the Russian leadership to curtail this line of thinking. **When a nation is prepared to fight for important interests, clarity about**

that determination is a virtue in discouraging potential aggression. Yet the United States should be careful to avoid giving allies or friends—like Kiev—

the sense that they have a blank check in confronting Moscow. During World War I, even such a strong supporter of the war as Pavel N. Millyukov—leader of Russia's Constitutional Democrats and later foreign minister in the Provisional Government—was shocked at the lengths to which British foreign secretary Sir Edward Grey would go in refusing to assign any blame for the conflict to the Serbs. "Listen," he reports saying to Grey, "the war started

because of Serb grandstanding. Austria could think that it was in serious danger. Serbia was aspiring to do no less than to split Austria." To Grey, however, an ally could do no wrong. **The Balkan crises in**

the several years prior to World War I deserve careful study. Few at the time could conceive that they

would become the flashpoint of a fire that would eventually become a continental inferno. But they did. Meeting the

challenge of an angry but weakened Russia today requires a subtle combination of firmness and restraint. Where vital American interests are engaged, we have to be able and willing to fight: to kill and to die. Effective deterrence requires three C's: clarity about red lines that cannot be crossed (for example, attacking a NATO ally); capability to respond in ways that will make the cost of aggression greatly exceed any benefits an aggressor could hope to achieve; and credibility about our determination to fulfill our commitment. At the same time, we should recognize that if American and Russian forces find themselves firing upon each other, this would violate one of the principal constraints both sides respected assiduously during four decades of the Cold War—risking escalation to a war both would lose. **Military force and economic warfare such as sanctions are indispensable instruments of foreign policy. When employed without a sound strategic vision and artful diplomacy, however, instruments of coercion can develop their own momentum and become ends in themselves.**

Having managed a confrontation over the Soviet Union's attempt to install nuclear-tipped missiles in Cuba that he believed had a one-in-three chance of ending in nuclear war, President John F. Kennedy spent many hours reflecting on the lessons from that experience. The most important of these he offered to his successors in these words: "Above all, while defending our vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war." It is a lesson statesmen should apply to meet the challenge Russia poses in Ukraine today.

Groupthink Solvency

And, congressional oversight is necessary and effective at checking executive secrecy and breaking-down group-think

Kennedy, 12

(Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 " The Hijacking Of Foreign Policy Decision Making: Groupthink And Presidential Power In The Post-9/11 World Name: Brandon Kennedy, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University, pg lexis//um-ef)

1. **Congressional Oversight** Congress has an **important role** to play as an **external check** to prevent the antecedent **conditions of groupthink from arising in the president's decision-making group**.ⁿ²⁶² **There are many ways in which Congress can provide external checks.** First, "the Senate, regardless of which party is in power, [can] aggressively exercise its confirmation powers to assure the persons taking the reigns at the [Department of Justice and the Office of Legal Counsel] are committed to the "arms-length" and not the "client" model of executive branch lawyering," which tends to increase concurrence-seeking.ⁿ²⁶³ Also, in regard to powerful positions such as Director of National Intelligence and CIA Director, the Senate should carefully scrutinize appointees to ensure integrity and accountability. [*678] Additionally, **Congress as a whole should closely monitor the executive branch's invocation of precedent.**ⁿ²⁶⁴ While previous administrations' actions might provide some precedential authority for their own actions' legality, this is not alone determinative: **Executive branch precedents should not be seen as conclusive or even necessarily persuasive** in establishing constitutionality. Moreover, other administrations' forbearance in not taking similar actions in comparable circumstances also should be considered precedential authority. In this manner, the precedential value accorded previous executive branch actions will no longer favor only expansive notions of presidential power.ⁿ²⁶⁵ **Congress should especially assert this oversight role in the areas of national security and foreign policy. Congress should also make greater efforts to combat executive-branch secrecy.**ⁿ²⁶⁶ **"If a major check on the presidency is political accountability to the citizenry, such accountability cannot occur without transparency."**ⁿ²⁶⁷ And, **if the abuse of presidential power that can lead to insulation and, consequently, groupthink is to be curbed, "reforms that would minimize secrecy and impose more accountability on the executive branch should be seriously considered."**ⁿ²⁶⁸ **Congressional intelligence and foreign policy committees** in both the House and Senate **must exercise their oversight powers to a greater extent**, particularly when the committee chairs belong to the same party as the president. Reforms could include, for example, passing legislation that - in contrast to the present ad hoc regime - would mandate periodic meetings between congressional committee leaders.

Solvency and Mechanisms

1AC Solvency Advocate and Mechanism

Solvency mechanism

- Oversight
- Constraints on Insider Monitoring
- Mandate
- Require certification

Canterbury 14

(Angela, Director of Public Policy, "POGO's Angela Canterbury testifies on "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers" February 26, 2014, pg online @ <http://www.pogo.org/our-work/testimony/2014/pogos-angela-canterbury-testifies.html> //um-ef)

Whistleblowers are the guardians of the public trust and safety. Without proper controls at FDA and throughout the government, employee surveillance is a serious threat to whistleblower protections. The resulting chilling effect will significantly reduce accountability—thus keeping waste, fraud, abuse, and threats to public health and safety in the shadows. Whistleblowers also are among the best partners in crime-fighting. It is a well-known fact that whistleblowers have saved countless lives and billions of taxpayer dollars. A survey conducted in 2012 by the Association of Certified Fraud Examiners found that nearly half of occupational fraud cases were uncovered by a tip or complaint from an employee, customer, vendor, or other source.[46] In the case of fraud perpetrated by owners and executives, more than half were uncovered by tips from whistleblowers. A 2011 academic study confirmed that whistleblowers play a bigger role than external auditors, government regulators, self-regulatory organizations, or the media in detecting fraud.[47] But perhaps the best illustration of how whistleblowers can save taxpayer dollars is the more than \$38 billion recovered since 1987 through the hugely successful False Claims Act (FCA), championed by Senator Grassley.[48] The FCA prohibits a person or entity from fraudulently or dishonestly obtaining or using government funds. The law not only acts as a deterrent, but also incentivizes whistleblowing through the financial awards and strong protections against retaliation.[49] Federal Circuit Court Judge Kenneth Keller Hall said that the FCA provisions supplement the government's "regular troops" since it "let loose a posse of ad hoc deputies to uncover and prosecute frauds against the government." [50] But unfortunately, the cost-benefit analysis for most whistleblowing is so often all cost to the whistleblower and all benefit to society. Professor Richard E. Moberly in his testimony before Congress aptly stated: Furthermore, almost all the benefits of a whistleblower's disclosure go to people other than the whistleblower: society as a whole benefits from increased safety, better health, and more efficient law enforcement. However, most of the costs fall on the whistleblower. There is an enormous public gain if whistleblowers can be encouraged to come forward by reducing the costs they must endure. **An obvious, but important, part of reducing whistleblowers' costs involves protecting them from retaliation after they disclose misconduct.**[51]

Whistleblowing works for the public, but not without strong protections for the whistleblower. Recognizing this, Congress has repeatedly strengthened the rights and procedures available to whistleblowers. In 2012, Chairman Issa and Ranking Member Cummings—along with Representative Van Hollen, then-Representative Platts, and their Senate colleagues—championed the latest enhancements to federal employee protections with the enactment of the Whistleblower Protection Enhancement Act.[52] While these reforms go a long way to improve the prospects for whistleblowing on government wrongdoing, employee surveillance, left unaddressed, seriously undermines these and other statutory protections for whistleblowers that Congress intended. An Opportunity for Reform This committee's attention to the unacceptable actions of the managers at FDA will hopefully serve as a catalyst for government-wide reforms. Certainly security concerns and available technology will outstrip the protection of civil liberties, whistleblower protections, and other constitutional rights unless there is a concerted effort to consider all of these goals together. We can and should move towards a better policy and to ensure more accountability now. But if left to their own devices, the agencies cannot be expected to get this right. The FDA and other agencies should not be in the surveillance or law enforcement business. Federal agencies cannot be allowed to police themselves—that is

why we have IGs, the OSC, DoJ, and Congress. Investigations of unauthorized, illegal disclosures of information and other criminal misconduct must be conducted by law enforcement investigators—such as the FBI or the Inspectors General—not bureaucrats. While we acknowledge there may be a very limited need for agencies to gather evidence of wrongdoing by employees when there is reasonable suspicion of non-criminal misconduct, the electronic surveillance is ripe for abuse—as demonstrated by the FDA. Even with just cause and proper controls, it will be difficult, if not impossible to ensure constitutional rights are not violated. To what end? As with the NSA domestic surveillance, the risks to our rights may be greater than the ability of the surveillance to protect against risks to security. On September 12, 2012, FDA Commissioner Hamburg issued a memorandum directing the Chief Information Officer (CIO) and Chief Counsel to “promptly develop a written procedure” for employee surveillance that includes some safeguards (Hamburg Memo).[53] Presumably, that written procedure is embodied in the interim policies and procedures established last September by the FDA in its Staff Manual Guide (Interim Policy).[54] No doubt the FDA is in a tough spot, attempting to put into place a process that is more proscribed for surveillance critics, but also placating the lawyers for drug and device companies that demand that information be kept confidential. Needless to say, the FDA doesn’t have it right yet. Nothing in this policy would prevent the FDA Commissioner or Chief Operating Officer from using information collected by the surveillance as retaliation for whistleblowing or providing it to others who might. The policy does little to lift the chilling effect at FDA that fosters waste, fraud, abuse, and threats to public health and safety. How can the FDA ensure the public’s health and safety if scientists and physicians are too afraid to come forward when deadly mistakes are made? Instead, the interim policy would allow the FDA managers to control a vast and far-reaching surveillance program without any oversight from an independent outside entity. Rather than protect whistleblowers from unwarranted FDA surveillance, this policy protects the FDA from whistleblowers and shields it from accountability. Simply stating that the FDA will follow existing laws to protect whistleblowers is not enough—the procedures do not build in strong, substantive safeguards. The Interim Policy does attempt to protect some sensitive communications by prohibiting the targeting of communications with law enforcement, the OSC, members of Congress or their staff, employee union officials, or private attorneys. However, it does not include a similar prohibition on other protected disclosures—most notably, public whistleblowing, which is protected as long as the disclosure of the information is not prohibited under law. Congress protected public whistleblowing because we live in a democracy that relies on an informed public and freedom of the press. In numerous instances, threats to public health and safety, waste, fraud, and abuse and other wrongdoing would never have come to light or been addressed without public whistleblowing.[55] The FDA has not ensured employees, contractors, and grantees can exercise all of their legal rights without fear of retaliation. Thus, any final policy must prohibit specifically monitoring communications with anyone that may include a protected disclosure. According to the Whistleblower Protection Act, these communications would include a reasonable belief that the disclosure evidences “any violation of any law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”[56] In practice, it may be difficult, if not impossible, to prevent the inadvertent capture of protected disclosures while monitoring employee communications. Therefore, any final policy must mandate a legal review and express authorization before any potentially protected communication that is collected is shared. Notification of potential legal pitfalls to recipients of collected information, as called for in the Hamburg Memo, is woefully insufficient.[57] The FDA must do more to ensure all agency personnel and federal fund recipients are better trained in whistleblower protections. Under the WPA, it is the responsibility of the head of each agency, in consultation with the Office of Special Counsel, to ensure that agency employees are informed of the rights and remedies available to them under the Whistleblower Protection Act.[58] The OSC, has a certification program which allows agencies to demonstrate that they have fulfilled this legal obligation. Last year, only three agencies sought and received certification—and, remarkably, the FDA was not one of them.[59] Clearly, certification should not be voluntary. Last December, in its second National Action Plan for the Open Government Partnership, the Obama Administration committed to taking steps over the next two years with the stated goal of strengthening and expanding protections for federal whistleblowers.[60] These commitments include mandating participation in the Office of Special Counsel’s Whistleblower Certification Program. However, Congress should ensure that agency compliance with the WPA notification requirement and certification will continue into the future by putting the requirement into statute. Federal contractors and grantees also are required to notify their employees of the whistleblower protections available to them.[61] There should be a mechanism to certify this compliance as well. Perhaps this could be part of the contracting or grant-making process, or the Whistleblower Ombudsmen in the Offices of Inspectors General could play a role. The Inspectors General have responsibilities to conduct investigations of claims of retaliation by contractor and grantee employees, as well as by national security and

intelligence community workers.^[62] Agencies are currently certifying compliance with Presidential Policy Directive 19, which protects national security and intelligence community whistleblowers. These certifications should be made public, but so far only the Department of Defense has done so. Additionally, a memo and staff manual guide will not alone ensure that privacy, whistleblower, and civil service rights are protected in employee surveillance. The policies and procedures for safeguarding employee rights whenever investigations or surveillance is conducted should include penalties for violations and should have the force of law. Therefore, a permanent regulation for all of HSS—not just the FDA—would be most appropriate. However, there ought to be a government-wide approach. The Department of Justice has the appropriate legal expertise for developing such policy, in consultation with the OSC and MSPB. Moreover, the FDA is only attempting to write a policy ad hoc because of all the unwanted attention it's receiving. But what is to prevent other agencies from spying on employees without regard to the legal rights of these employees? Congress and/or the President must mandate a government-wide policy to protect whistleblower and other constitutional rights and prevent future abuses. Of course, interfering with communications to Congress^[63] and retaliating for whistleblowing^[64] is against the law. Although the law does protect the identity of whistleblowers in other ways—the OSC and IG are prohibited from disclosing the identity of whistleblowers except in certain circumstances^[65]—there is little to prevent other agencies from identifying whistleblowers by collecting communications. Congress should consider amending the WPA and contractor protections to specifically prohibit an agency from using collected communications to identify a whistleblower. Today, we don't know nearly enough about the scope of employee surveillance across the government. We hope that this committee will order a comprehensive study of how agencies are currently conducting surveillance of employees while protecting their rights. Far more needs to be known about current practices, legal protections, effectiveness, and cost. A government-wide study by the Government Accountability Office (GAO) and/or the Merit Systems Protection Board (MSPB) would provide the executive branch and Congress with a more complete picture and recommendations for best-practice policies.^[66] Naturally, there also must be a different approach with the ever-growing intelligence and national security workforce. More and more of the federal workforce is labeled as national security sensitive—and there is a jaw-dropping lack of oversight. The number of people cleared for access to classified information reached a record high in 2012, soaring to more than 4.9 million.^[67] Add to that untold numbers of civil servants and contractors without access to classified information, but in positions labeled as national security sensitive.^[68] In order to prevent leaks of classified information, it is critical that there are truly safe channels for legal disclosures. We have long been concerned about the potential for abuse of whistleblowers as a result of Insider Threat programs mandated by the President and Congress.^[69] The program pits employees against one another, [70] creating an atmosphere of suspicion and intimidation likely to silence would-be whistleblowers. Intended to protect national security, implementation of the Insider Threat Program at agencies that have little to do with national security issues suggests a serious overreach. Blurring the line between spies and whistleblowers can only harm national security. An investigation by McClatchy last year discovered that agencies were using the Insider Threat Program as grounds to pursue unauthorized disclosures of unclassified information—information that whistleblowers can legally disclose to anyone under current law.^[71] We hope this committee will also conduct rigorous oversight of whistleblower protections for the national security and intelligence community workforce. Importantly, we must not lose sight of what brought us here today. Scientists at the FDA were concerned about a device approval process that they believed might put lives at risk. We urge you to ensure that the critical work being done by the CDRH puts the public's health and safety first. Bureaucrats at FDA should not be allowed to overrule the findings of expert scientists and physicians, except under extraordinary circumstances. There are no criminal penalties for FDA officials who allow unsafe devices to be approved. FDA officials should be held accountable for approving ineffective or unsafe products, and flawed devices must be taken off the market. There must be far more transparency and less deference to the demands for confidentiality by the drug and device companies. Finally, please do all you can to ensure the FDA whistleblowers get the justice that they deserve and that FDA managers are held accountable for any violations of the rights of the scientists and physicians who sought to make medical devices safer and more effective. Thank you for the opportunity to testify before you today. POGO and the Make It Safe Coalition pledge to continue to work with you to fulfill the promise of a government that is truly open and accountable to the American people. I look forward to your questions.

1AC/2AC Solvency – FOP

Repealing the Insider Threats Program solves

Simmon, 2015

(Joel, a CJR columnist and the executive director of the Committee to Protect Journalists. His second book, *The New Censorship: Inside the Global Battle for Media Freedom*, was published by Columbia University Press in November 2014, April 3, 2015, “Barack Obama’s press freedom legacy,” *Columbia Journalism Review*, http://www.cjr.org/criticism/barack_obamas_press_freedom_legacy.php, Accessed: July 7, 2015, YDEL)

President Obama took office in 2009 promising to make his administration the most transparent in American history. New York Times national security correspondent David Sanger, for one, says he’s failed, ¶ “This is the most closed, control freak administration I’ve ever covered,” said Sanger in a 2013 CPJ report, “The Obama Administration and the Press.” The report’s author, former Washington Post Executive Editor Leonard Downie, Jr., declared, “The administration’s war on leaks and other efforts to control information are the most aggressive I’ve seen since the Nixon administration.” As journalists often note, the Obama administration has prosecuted more leakers under the 1917 Espionage Act than all former presidents combined. ¶ With less than two years remaining in his administration, there are still actions the president can take to strengthen transparency at home and increase US influence abroad, particularly advocacy on behalf of journalists facing persecution and violence as a result of their reporting. ¶ According to the CPJ report, the Obama administration’s policies have undermined the role of the press in three fundamental ways. ¶ First, the government’s war on leaks has not only intimidated whistleblowers, it has ensnared journalists. To designate providing classified information to the media as espionage alone sends an intimidating message, but journalists and news organizations have also been subpoenaed and surveilled in the course of these investigations. ¶ Second, the Obama administration has undermined transparency by fighting against the release of essential information, such as the Justice Department’s “drone memo,” which provided legal justification for attacks carried out around the world, including the targeting of American citizens. The administration has failed to address the issue of over-classification of government documents; it has allowed the proposed reform of Freedom of the Information practices to languish; and it has stymied contact between reporters and officials. ¶ Finally, revelations about the scope of the NSA surveillance program have had a global chilling effect, undermining the confidence of journalists and inhibiting their ability to communicate with their sources. The perception that the US government routinely monitors electronic communications has limited contact between journalists and officials, according to a joint ACLU-HRW report entitled *With Liberty to Monitor All*, published last summer. It is worth noting that US journalists enjoy some legal protections against NSA surveillance; journalists outside the United States do not. ¶ The Obama administration has taken some positive steps in recent months. In January, the Justice Department decided not to call New York Times reporter James Risen to testify in the trial of former CIA officer Jeffrey Sterling, who was subsequently convicted of leaking classified information. Risen, who had been subpoenaed in the case, vowed not to reveal his sources. Later in January, the Justice Department adopted new guidelines limiting the circumstances in which journalists can be subpoenaed and compelled to testify about their reporting. ¶ These actions, while limited, are important and pave the way for additional steps. ¶ For example, Obama should accelerate the process with which FOIA requests are answered and approved in the spirit of the January 2009 FOIA memorandum, which called on all government agencies to “adopt a presumption in favor of disclosure.” He should support stalled legislation to codify this standard in law. According to a recent AP report, the Obama administration last year set a record for denying and censoring requests for government information. This is why the president must urgently implement recommendations from the Public Interest Declassification Board’s 2012 and 2014 reports to reduce the over-classification of information. ¶ Second, the president should repeal the “Insider Threat” program that requires federal employees to help prevent unauthorized disclosures of information by monitoring the behavior of their colleagues. The prohibition on unauthorized contact with the media has bled into other agencies dealing with sensitive but non-classified information, like the FDA and the EPA. Obama can also

unilaterally loosen restrictions for all government agencies to allow officials to speak more freely with reporters.¶ Finally, the administration must disclose information regarding current federal policy on the warrantless surveillance of journalists' communications. Obama should issue a presidential directive limiting the ability of national intelligence and law enforcement agencies to surveil the communications of journalists in the US and around the world. There must be formal procedures to ensure that all requests to surveil journalists require high-level approval. This was a key demand of CPJ's Right to Report Campaign, which gathered more than 10,000 signatures. The issue was also raised by a CPJ delegation that met with senior official at the White House last December.¶ Taking these actions will also strengthen US foreign policy goals. The president's latest National Security Strategy document, which outlines the administration's vision of its leadership role around the world and its strategy for protecting US interests, notes, "our ability to promote our values abroad is directly tied to our willingness to abide by them at home." In recent years, questions about America's post-9/11 security policies have often been exploited by our adversaries, while testing our commitment to civil liberties and the rule of law at home. For the sake of our security and our leadership in the world, it is essential we hold ourselves to the highest possible standard, even as we do what is necessary to secure our people."¶ On World Press Freedom Day, May 3, US officials, including perhaps President Obama, will make public statements in support of persecuted journalists around the world. Such statements don't have much visibility in the United States, but they have enormous resonance in places around the world where journalists are at risk. For example last year, US official highlighted the case of imprisoned Vietnamese blogger Nguyen Van Hai. He was subsequently released from prison and allowed to travel to the US, where he currently resides.¶ Likewise, the failure to uphold high standards opens the door for repressive leaders to justify their actions by citing the US example. Last year, Egyptian officials claimed that the country's crackdown on the local press and the imprisonment of three Al-Jazeera English journalists was "not so different from the Obama administration's crackdown on leakers in national security cases," according to The New York Times.¶ Journalists facing persecution and repression depend on the support of the US government, now more than ever. That is the most compelling reason why President Obama must use his remaining time in office to increase transparency at home and reinforce the country's influence abroad. It's not too late for the president to make this his press freedom legacy.

1AC Whistleblower Solvency – Congress

Congress needs to reverse-course and constrain the executive by limiting the scope of the Insider Threat program – that’s key to whistleblower protections

Ditz 13

(Jason, 7/16, “The Obama Administration's Hostility to Whistleblowers Is Both Immoral and Illegal,” pg online @ http://www.huffingtonpost.com/jason-ditz/obama-insider-threat_b_3588818.html //um-ef)

Faced with a public backlash at the revelation of NSA surveillance against the average American citizen, the Obama Administration has responded with a new program, dubbed the "Insider Threat" program, which aims to preempt future whistleblowers from speaking out. The system works by encouraging government workers to rat out any coworkers they suspect of being potentially inclined to blow the whistle before any leaks are even attempted, with an eye toward rooting out potential "threats" and intimidating rank-and-file workers against even daring to risk revealing information about government crimes and abuses. It wasn't supposed to be this way. President Obama ran his initial campaign on a pledge for transparency and a promise to enhance whistleblower protection, both of which have been scrapped. Instead, the administration now forwards the narrative that whistleblowers by their very nature are a threat to national security, and that all government actions that aren't explicitly publicized by the White House are secrets as a matter of course. Government hostility to whistleblowers is nothing new, of course. Though the claims of grave danger stemming from making the public and "the enemy" (in many cases the two seem identical for the career bureaucrat) never pan out, whistleblowers have always faced threats both overt and covert, and attempted retaliation from all levels of government. In the past the worst of this retaliation was extralegal -- President Nixon ordered a break-in at the psychiatrist of whistleblower Daniel Ellsberg in the hope of uncovering something to use against him. That's no longer the case, however, as in spite of laws like the Whistleblowers Protection Act (WPA) of 1989 the retaliation against recent whistleblowers has primarily focused on threats of huge prison sentences, and in an era of secret laws and secret courts, those threats have more force now than in the past. The WPA, and efforts to enhance it like the No-FEAR Act, have at their core an exemption for "national security," and in recent administrations the attempt to label anything and everything as a matter of national security has left them treating these laws as though they essentially don't exist. That's where the Insider Threat program comes in. Detailed by McClatchy newspapers in recent weeks, the new scheme encourages all agencies of the federal government to come up with their own disparate anti-whistleblower rules, at the center of which will be a threat to punish anybody who even suspects a potential whistleblower and doesn't turn them in. The details of the initiative get more terrifying the deeper one delves into them, with the conclusion that recent divorcees and people with perceived money troubles have to be turned in, and will face preemptive action against them, likely ending their careers on mere suspicion that they couldn't be trusted, when the chips are down, to continue betraying the public trust in the name of secrecy. With the "national security" exemption in the law, the administration may feel the initiative is secure, but the reality is that any efforts to use the exemption must pass muster in a court. Even in this security-mad era, no court is going to buy that the Department of Education or others implementing this program have real concerns that an internal whistleblower uncovering abuse is truly threatening the nation as a whole. Though it may take quite some time to get fleshed out in court, it is plain that the administration's hostility to whistleblowers has gone from pathological to downright illegal, as the Insider Threat program is explicitly designed to discriminate against whistleblowers (or even would-be whistleblowers) in ways banned under federal law. This level of hostility toward the public's right to know cannot be permitted, nor simply left for the courts to resolve. Congress should immediately push initiatives to bolster protections for whistleblowers to the extent that a sitting president can no longer threaten the entire

class of government employees. From Peter Buxtun's revelation of the Tuskegee experiments of the 1960's to the wiretapping and torture revelations of today, whistleblowers have provided an essential check against government overreach and abuse. Now more than ever that's a check we need in place.

1AC???

Anderson and Kleinman 14

(Christine Anderson, Public Policy Fellow, POGO, and Avery Kleinman was the Beth Daley Impact Fellow for the Project On Government Oversight, "FDA Surveillance Threatened Whistleblowers," pg online @ <http://www.pogo.org/blog/2014/02/fda-surveillance-threatened-whistleblowers.html> //um-ef)

Congress and the President must mandate a government-wide policy to prevent future surveillance abuses, Angela Canterbury, Director of Public Policy at the Project On Government Oversight, told the House Oversight and Government Reform Committee Wednesday during a hearing entitled "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers." The hearing revisited the media-dubbed case of the "FDA 9," a group of Food and Drug Administration (FDA) physicians and scientists who wrote to Congress and the President in 2008 and 2009 warning that ineffective and unsafe devices were being approved by the FDA. The FDA whistleblowers described serious wrongdoing by mid-level and senior FDA officials who cut corners and overruled scientists. The FDA then began to spy on the whistleblowers—sweeping up whistleblowing disclosures to Congress, the Office of Special Counsel, and POGO. The hearing was timed with the release of a joint staff report by House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) and Senate Judiciary Ranking Member Chuck Grassley (R-Iowa), titled "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers." The report concluded that the FDA lacked sufficient authorization to monitor the whistleblowers, unlawfully captured protected communications of the whistleblowers, failed to explain how ongoing monitoring was necessary to the investigation of a past leak, and did not adequately bolster whistleblower protections in new policies. Ranking Member Elijah Cummings (D-Md.) introductory remarks voiced his discontent at being shut out of the drafting of the report. "We must protect our whistleblowers. I am committed to that, and we are all committed to that. Unfortunately, the majority has taken a traditionally bipartisan issue, something that all committee members should be investigating together, and turned it into another partisan spectacle for which our committee has become well-known." Chairman Issa responded, "Whistleblowers made Senator Grassley and his staff aware of a problem, but independent investigation by the IG and by this committee—bipartisan investigation—have led us to the conclusions we will hear today." The minority may produce its own report on the findings in the coming weeks. Senator Grassley testified first, stating, "In 33 years, under both Republicans and Democrats, I've found the problem the same. Whatever bureaucracy you're talking about, whistleblowers are about as welcome in a bureaucracy as skunks at a picnic." On the FDA specifically, he said, "We have found problems with the respect of scientists and the respect of the scientific process within that agency regardless of who was president."

You can watch the Senator's full testimony here. Discussing the alleged confidentiality of the information shared by the whistleblowers, Chairman Issa emphasized that the trade secrets being protected by confidentiality claims protect the companies, not the public. "Most people probably listening and watching and today believe the public has a right to know that information and may not agree with the FDA's view that that is private or confidential or somehow a secret from the American people as to whether a product that may or may not yet be on the market is safe and effective." Canterbury agreed with the Chairman's concerns, and later noted that neither the Issa-Grassley nor the Health and Human Services Inspector General (HHS IG) investigation confirmed that the FDA surveillance found evidence of the disclosure of confidential information. Moreover, whether the information was confidential should have been investigated—instead of the whistleblowers. Canterbury also said that protecting whistleblowers at the FDA may be a matter of life and death for many Americans: Whistleblowers are the guardians of the public trust and safety. Without proper controls at FDA and throughout the government, employee surveillance is a serious threat to whistleblower protections. The resulting chilling effect will significantly reduce accountability—thus keeping waste, fraud, abuse, and threats to public health and safety in the shadows. The FDA's problems can be deadly. There have been far too many ineffective and unsafe medical devices approved by the broken agency." Canterbury said. Unfortunately, there have been multiple instances of misconduct in the medical device approval process at the FDA in the past few years. In February 2009, POGO issued a

report authored by Dr. Ned Feder, The FDA's Deadly Gamble with the Safety of Medical Devices, which showed that senior FDA officials decided not to enforce a regulation that helps protect patients from unsafe devices. The officials did this over the protests of scientists. Canterbury told the committee that unwarranted surveillance is a serious threat and government agencies should not be allowed to police themselves. She noted that only law enforcement, such as the FBI, Office of Special Council, and Inspector General, should investigate suspected leaks of legally protected information or other crimes. The HHS IG, the watchdog tasked with oversight of the FDA, released its report on the surveillance of the whistleblowers the night before the hearing. The report pointed to FDA's failure to consider whether potentially intrusive monitoring would be "the most appropriate investigative tools" with which to investigate a suspected leak.

Whistleblower Solvency

Only strengthening whistleblowers' rights prevents the chilling effect

POGO, 14 [Project on Government Oversight, nonpartisan independent watchdog that champions good government reforms – Canterbury is the Director of Public Policy at the Project On Government Oversight] (February 28, "FDA Surveillance Threatened Whistleblowers" www.pogo.org/blog/2014/02/fda-surveillance-threatened-whistleblowers.html?referrer=https://www.google.com/)

Canterbury also said that **protecting whistleblowers at the FDA may be a matter of life and death for many Americans: Whistleblowers are the guardians of the public trust and safety. Without proper controls at FDA and throughout the government, employee surveillance is a serious threat to whistleblower protections. The resulting chilling effect will significantly reduce accountability—thus keeping waste, fraud, abuse, and threats to public health** and safety in the shadows. **"The FDA's problems can be deadly. There have been far too many ineffective and unsafe medical devices approved by the broken agency,"** Canterbury said. Unfortunately, **there have been multiple instances of misconduct in the medical device approval process at the FDA in the past few years.** In February 2009, POGO issued a report authored by Dr. Ned Feder, The FDA's Deadly Gamble with the Safety of Medical Devices, which showed that **senior FDA officials decided not to enforce a regulation that helps protect patients from unsafe devices.** The officials did this **over the protests of scientists.** Canterbury told the committee that **unwarranted surveillance is a serious threat and government agencies should not be allowed to police themselves.** She noted that **only law enforcement,** such as the FBI, Office of Special Council, and Inspector General, **should investigate suspected leaks of legally protected information or other crimes.** The HHS IG, the watchdog tasked with oversight of the FDA, released its report on the surveillance of the whistleblowers the night before the hearing. **The report pointed to FDA's failure to consider whether potentially intrusive monitoring would be "the most appropriate investigative tools" with which to investigate a suspected leak.** However, Canterbury strongly disagrees with the HHS IG's conclusion that the FDA's interim policies are sufficient to protect the constitutional and whistleblower rights of employees, and therefore the public's health and safety. **"Congress protected public whistleblowing because we live in a democracy that relies on an informed public and freedom of the press. In numerous instances, threats to public health and safety, waste, fraud, and abuse and other wrongdoing would never have come to light or been addressed without public whistleblowing."** Canterbury ended her testimony by urging the committee to hold FDA officials accountable for any violations of rights against employees who sought to make medical devices safer and more effective. "And please make sure it can't happen again," she said.

Insider Threat/Curtail Solvency

And, federal action is necessary to curtail continuous monitoring

Federal Times 8/5/12

("When employee monitoring goes too far," pg online @

<http://archive.federaaltimes.com/article/20120805/PERSONNEL03/308050005/When-employee-monitoring-goes-too-far//um-ef>)

Recent revelations that the Food and Drug Administration and possibly other agencies are aggressively monitoring and storing employees' private emails and online activities have sparked debate over whether agencies can and should spy on their employees.

FDA employed sophisticated spying software that can record virtually everything an employee does at his workstation. By capturing an employee's keystrokes, however, FDA gained access to email passwords, bank account information and even legally protected communications. Eventually, some 80,000 pages of information FDA collected on some employees ended up in the possession of a contractor — Quality Associates Inc. of Fulton, Md. — which posted the information online. Sen. Charles Grassley, R-Iowa, ranking member of the Senate Judiciary Committee, has called on the Health and Human Services Department inspector general and the Office of Special Counsel to investigate if FDA broke the law by extensively monitoring the activities of whistle-blowers. The matter is pending in the U.S. District Court of Washington and at OSC, which launched an investigation to determine whether FDA broke personnel rules. Grassley is also demanding answers from FDA officials on how far the agency's monitoring program went and whether other agencies — including the Department of Homeland Security, Internal Revenue

Service, Consumer Products Safety Commission, Agriculture Department, Environmental Protection Agency and National Institutes of Health — are doing the same. Those

agencies all have business relationships with Quality Associates. Six current and former FDA whistle-blowers filed a lawsuit in January claiming that top FDA managers monitored and seized emails from their personal email accounts after they expressed concerns to the incoming Obama administration that FDA had approved unsafe medical devices. "Would you want the boss who was about to fire you having access to your bank accounts and password?" said Stephen Kohn, executive director of the National Whistleblowers

Center, who represents the FDA employees. In a July 17 floor speech, Grassley said FDA clearly went too far. "This massive campaign of spying was not just an invasion of privacy; it was specifically designed to intercept communications that are protected by law," he said. "The FDA knew that contacts between whistle-blowers and the Office of Special Counsel are privileged and confidential. But the James Bond wannabes at the FDA just didn't care." FDA fired two of the whistle-blower employees and did not renew contracts for two others. Two other employees still work at FDA. One employee, who was fired in April for disclosing confidential information, was temporarily reappointed with pay through July 31, according to a July 13 letter to Grassley from Jeanne Ireland, FDA's assistant commissioner for legislation. Grassley is demanding the identity of the FDA official who authorized the monitoring and an explanation of evidence that appears to show that FDA specifically targeted congressional communication with the whistle-blowers for monitoring. Grassley also is pressing FDA for answers on its relationship with Quality Associates and why FDA told the company the 80,000 documents collected by the agency's monitoring software were neither classified nor sensitive and did not contain personally identifiable information. No clear guidance in separate letters last month, Grassley asked leaders of DHS, IRS, the Consumer Products Safety

Commission, Agriculture, EPA and NIH for details on their employee monitoring programs and policies. There is no clear guidance for agency managers on how and when to monitor and collect employees' online activities and correspondence, nor is there clear guidance on what constitutes the boundaries of employee monitoring. Charles Coe, the Education Department's assistant

inspector general for information technology audits and computer crime investigations, defines the boundary between what is acceptable and what goes too far this way: "If you're talking about selectively targeting individuals, and you don't have any allegations of wrongdoing, because you just want to do it, obviously that is just way out of bounds." However, monitoring more broadly for the purpose of network security is acceptable, said Coe, who also chairs a Council of Inspectors General on Integrity and Efficiency subcommittee. An interagency task force will address the issue of employee monitoring when it releases recommendations for how agencies across government can identify and defend against insider threats. As agencies look to keep a tight grasp on sensitive information and guard against leaks, and as monitoring tools get more sophisticated, the topic has become a hot one among federal managers. The Transportation Security Administration, for example, plans to purchase software that monitors employees' keystrokes, emails and other online activities. Reps. Bennie Thompson, D-Miss, and Sheila Jackson Lee, D-Texas, urged TSA in a June 25 letter not to snoop on whistler-blower communications with other federal entities. In a response letter, TSA Administrator John Pistole said the software would provide TSA with forensic evidence for investigations should an employee ever be identified as a potential insider threat to TSA's mission. Monitoring practices by agency Despite the lack of clear guidance on the subject, agencies have a right to monitor how employees use government computers and what information is being shared on their networks, said Kristin Alden,

partner at Alden Law Group, a Washington-based firm that specializes in federal employment law. "Federal employees can't expect any privacy on their work computers," Alden said. "They should assume their agency can see every email they send and every Web page they access through their work computer."

However, agencies such as FDA send conflicting messages when employees are told they could be monitored yet are allowed to use their government computers for limited personal use, Alden said. "Conflicting

instructions of this type might raise a reasonable expectation of privacy on a work computer," she said. "If the agency violates that privacy, it could be illegal." A federal safety

specialist, who asked not to be named, said he feels employees at his agency are monitored more than what's routinely necessary. "Unless a person has provided cause to warrant such continuous monitoring, it should be curtailed," the employee said in an email. For people who warrant monitoring, agencies should notify them if the monitoring goes beyond a routine keyword search for certain phrases that could alert agencies to national security risks, he said. The safety specialist also asked whether anyone is monitoring agencies to ensure their

practices are not overreaching. Some federal employees told Federal Times they believe the government should be able to monitor their computers all the time and those computers should be used for government purposes only. But the lines dividing personal and work-related use of computers are sure to be blurred further as more agencies allow employees to use their personal smartphones and tablet computers for work. As that happens, employees will increasingly have to agree to usage agreements, some of which allow their agencies to install third-party software that manages security settings on those devices. In some cases, employees will have to agree to turn over their devices to respond to discovery requests. As at other agencies, FDA issues an alert to employees when they log on to their government computers that they have no reasonable expectation of privacy and that the

government may monitor or intercept any communications on their computers at any time. However, monitoring at FDA is done infrequently, said FDA spokeswoman Erica Jefferson. FDA began monitoring five employees in 2010 following a New York Times article that raised concerns about the safety of medical imaging devices and exposed attempts by FDA managers to approve an application by General Electric that agency scientists had rejected. A month later, GE Healthcare Inc. wrote to FDA alleging that confidential trade secrets had been leaked. Within days of receiving the letter, FDA began monitoring one of the scientists quoted in the Times article and was able to identify and monitor four other employees believed to have illegally disclosed confidential information about medical devices under FDA review. "Anytime management decides to treat some employees or groups of employees differently, management is asking for some kind of grievance, EEO [equal employment opportunity] complaint or other allegation by employees," said Joseph Kaplan, founding principal at Passman & Kaplan law firm. Kaplan, whose firm has represented federal employees accused of misusing government computers, said if monitoring leads to a legal dispute, an agency should be prepared to justify why an employee was singled out for monitoring. If the monitoring was targeted, the agency may have to show what prompted the monitoring, provide supporting evidence and show why it believes the employee was violating agency rules, he said. The Office of Special Counsel in June warned that agencies could be reprimanded for targeting whistle-blowers and monitoring emails that report wrongdoing. In the memo, Special Counsel Carolyn Lerner said that targeting for surveillance emails between whistle-blowers and OSC or inspectors general is "highly problematic." Agencies that deliberately target whistle-blowers' submissions or draft submissions to OSC or IGs could be accused of retaliating against the employees, Lerner said. While agencies have a right to monitor employee emails and business conducted on government-issued devices, "federal law also protects the ability of workers to exercise their legal rights to disclose wrongdoing without fear of retaliation," Lerner said. She also urged agencies to ensure their electronic monitoring policies do not interfere with or deter employees from reporting fraud, waste and abuse. "If you're casting a broad fishing net and collecting everything, that's one thing," OSC spokeswoman Ann O'Hanlon said in an interview. "It's what you do with the information that would determine whether or not something has gone too far." How far is too far? Tens of thousands of documents collected by

FDA reveal that the agency intercepted and indexed communications that employees had with OSC, legal advisers and other entities, said Kohn, who had not seen most of the documents until a July New York Times article revealed they were accessible online. "By

looking at the documents, we can see what they were spying on and then what actions they took as they saw documents," Kohn said. FDA's Jefferson said the agency did not authorize the public release of any documents by Quality Associates and that it's looking into the matter. But in a July 17 letter to Grassley, Quality Associates CEO Paul Swidersky said the FDA documents were posted on a file-sharing website May 3 at the request of FDA. Swidersky said Google found the files online. "If the government continues these [types of] operations, you're going to see more of this," Kohn said in reference to the data leak. "It's a risk inherent in any type of surveillance program," he said. An agency's ability to inadvertently or intentionally collect feds' personal medical and financial data accessed on their computers and the passwords used to retrieve that data is a risk to privacy. Collecting employees' electronic communications runs afoul when an agency intends to target protected categories of data, such as communications with the Equal Employment Opportunity Commission, OSC and inspectors general, Kohn said. The agency runs afoul if it views data that is protected, and it's even more egregious if that data is disseminated to others who shouldn't have access. FDA's Jefferson said the agency "did not impede or interfere with any employee communication to members of Congress, their staff or the press or with any congressional investigation." The agency also said that data was collected without regard to the identity of the people whom the scientists emailed. But the ordeal has negatively affected employee morale and

raised deep concerns about agency management practices, Colleen Kelley, president of the National Treasury Employees Union, said in a statement. "For example, some employees voiced to NTEU their reluctance to report wrongdoing, for fear of retaliation." NTEU represents FDA's bargaining-unit employees, including scientists.

Congress Key

Congressional action is key to encourage FDA whistleblowers

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (Tuesday, February 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hrg35502/pdf/CHRG-110hrg35502.pdf>; 07/10/15) JG

I appreciate the attention that all of you are giving to this important national issue with this hearing. You will hear from some of the heroic whistleblowers who have helped my work, without whom my work would not have been possible. Two of the whistleblowers have left FDA, outstanding scientists, outstanding investigators, people that want to get to the bottom of something, something that an agency like FDA can't afford to lose people like that. It is a tremendous loss for our country when an agency like the FDA gets so dysfunctional that specialists like these whistleblowers are forced to leave the agency to avoid retaliation. Whistleblowers are like a skunk at a picnic. They ought to be considered, though, by us, as patriotic Americans just wanting to do what the law requires them to do and spend money according to the way Congress wants it spent. I want to work closely with you, Mr. Chairman, to make sure that FDA whistleblowers can communicate with Congress without fear. We got laws that protect them, but it doesn't protect them enough. In addition, the existing agreement between the Inspector General of HHS and FDA gives too much power to the FDA when it comes to how allegations of criminal misconduct by FDA employees are being investigated. And we have an attachment F on that. That agreement should be revisited. I look forward to reform opportunities in the year ahead. There is no doubt that the FDA needs additional tools and resources in its work. The FDA also needs an overhaul to make the agency more transparent, more forthcoming and more independent minded. I look forward to working with this committee and particularly, with the leaders of the committee, both Republican and Democrat, subcommittee as well as the full committee. And I thank you and as you indicated, I will be glad to stay and answer questions. Mr. STUPAK. Well, thank you, Senator. We appreciate your time and effort in appearing here today. We are going to take 10 minutes on each side. I will begin the questioning. I am going to ask two questions. I will turn it over to Mr. Dingell and we will move on. Senator Grassley, you mentioned once again, in your testimony about the agreement between the Office of Inspector General for the Department of Health and Human Services and the Food and Drug Administration. In that agreement, certain responsibilities were given to the FDA when it comes to how allegations of criminal misconduct by FDA employees are investigated and you mentioned in your testimony, whistleblowers, the retaliation. We still have some brave scientists within the FDA who come forward and assist us in our work and they are still there and I am concerned about the retaliation. Could you explain that a little bit more what you think should be done in this area on this agreement, how it should be restructured? Senator GRASSLEY. Well, obviously it gets back to what is very basic about Inspectors General; great deal of independence over anything within the agency; only very remotely connected with the administration of the agency; to do, basically, what you and I do as individual Congressmen or as chairmen of committees, to make sure that laws are faithfully executed and an agency is doing what it is supposed to do; to basically get down to being independent, to ferret out things that are wrong. And so it seems to me that what we have here is the Office of Internal Affairs in the FDA engaging what is abused of power and an example of that, I referred to Dr. Mosholder. Two or 3 years ago he was threatened with being prosecuted, like Martha Stewart, as an example. We saw the office used as a tool by drug companies to investigate a safety review by the FDA's Center for Veterinary Medicine and when the Office of Inspector General was trying to do its work, it was reported to me that they are concerned about the weaknesses that they uncovered in that agency within FDA. So I can only say that, bottom line, just get back to Inspectors General being able to do what they are supposed to do and not see the FDA as an institution unto itself. VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00022 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 19

Congressional protection of FDA whistleblowers is key to solve

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (Tuesday, February 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhrg35502/pdf/CHRG-110hhrg35502.pdf>; 07/10/15) JG

Senator GRASSLEY. Well, it is very much a privilege for me to be invited here and I appreciate that invitation and I had a chance to hear many members of this committee give opening statements and I particularly want to thank Chairman Dingell, Chairman Stupak, ranking members Barton and Whitfield for their statements and most importantly, to all of you who are involved in oversight, because it is such an important constitutional responsibility, one that I don't think we talk enough about or do enough about, but it is important that you do the work you are doing on this hearing and particularly, a hearing on drug safety and particularly, the role of the Food and Drug Administration. During the last 3 years, I conducted extensive oversight of the Food and Drug Administration while I was chairman of the Senate Finance Committee and as you probably know, we have jurisdiction over both Medicare and Medicaid. I view my role as working to ensure the safety and well-being of the more than 80 million Americans who are beneficiaries of these programs. The Medicare and Medicaid programs spend a lot of money on prescription drugs and VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00018 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 15 medical devices, and that money should be spent on drugs and devices that are safe and effective. In the course of my oversight of the Federal bureaucracy, I have developed many good relationships with whistleblowers. And it was FDA whistleblowers and concerned FDA scientists who first drew my attention to the problems of the Food and Drug Administration. It started in early 2004 with an FDA psychiatrist named Dr. Andrew Mosholder, who realized, through his work, that there was a serious suicide risk for teenagers taking certain antidepressants. He wanted to make a presentation about his findings to an FDA advisory committee. But for some reason, FDA supervisors didn't want this information out. They canceled Dr. Mosholder's presentation and instructed him to write a script, approved by his supervisors, that he would use if anybody asked him why he was no longer presenting. This fall, I held a hearing, or that fall, which was 2004, I held a hearing on drug safety in the aftermath of Vioxx, the blockbuster pain medication, being pulled off the market by its manufacturer, rather than by the Food and Drug Administration. The testimony at my hearing turned a bright spotlight on problems with the FDA's post-marketing surveillance effort. The Food and Drug Administration works tirelessly, as it should, to approve new life saving and life enhancing drugs, but it could do a lot better job of keeping track of developments with these drugs after they get out onto the market. Reviewing what happened inside the FDA with Vioxx and also working with a number of whistleblowers who bravely stuck their necks out and came to me after that landmark hearing, I have identified problems at the FDA that consistently fit into a few themes. First, scientific dissent is discouraged, quashed and sometimes muzzled inside the FDA. Second, the FDA's relationship with drug makers is too cozy. The FDA worries about smoothing things over with the industry much more than it should with its regulatory responsibilities. Third, inside the FDA there is widespread fear of retaliation for speaking up about problems. And fourth, the public safety would be better served if the agency was more transparent and more forthcoming with drug safety and drug risks. These problems involve, then, the culture at the Food and Drug Administration. Those problems are not isolated, but are systemic and they can be partly attributed to the organizational structure at the FDA. My concerns are not isolated, either. During the last year, they have been validated by highly regarded Institute of Medicine, as well as the independent Government Accountability Office and more importantly, or as importantly, respected medical journals. What is at stake is public safety and public confidence in our Nation's world-renown Food and Drug Administration.

Oversight Key

Whistleblowers key to expose government waste and fraud- plan solves 1AC????

Grassley 14- US Senator and Ranking Member of the Senate Judiciary Committee (Grassley, Chuck; 04/10/14; Grassley Talks About the Anniversary of the Whistleblower Protection Act; grassley.senate.gov; 06/12/15www.grassley.senate.gov/news/news-releases/grassley-talks-about-anniversary-whistleblower-protection-act) JG

25 years ago today, the Whistleblower Protection Act of 1989 was signed into law. To mark that anniversary, I wanted to come to the floor to discuss some of the history that led to that legislation, the lessons learned over the past 25 years, and the work that still needs to be done to protect whistleblowers. ¶ The Whistleblower Protection Act was the result of years of efforts to protect federal employees from retaliation. Eleven years before it became law in 1989, Congress tried to protect whistleblowers as part of the Civil Service Reform Act of 1978. I was in the House of Representatives at the time. There, I met Ernie Fitzgerald, who had blown the whistle on the Lockheed C-5 aircraft program going \$2.3 billion over budget. Ernie was fired by the Air Force, as he used to say, for the act of “committing truth.” When the Nixon tapes became public after Watergate, they revealed President Nixon personally telling his chief of staff to “get rid of that SOB.” The Civil Service Commission didn’t reinstate Ernie until 12 years later. In the meantime, he was instrumental in helping get the Civil Service Reform Act of 1978 passed. ¶ Yet it soon became clear that law didn’t do enough to protect whistleblowers. In the early 1980s, the percentage of employees who didn’t report government wrongdoing due to fear of retaliation nearly doubled. ¶ Some whistleblowers still had the courage to come forward. In the spring of 1983, I became aware of a document known as the “Spinney Report.” The report exposed the unrealistic assumptions being used by the Pentagon in its defense budgeting. It was written by Chuck Spinney, a civilian analyst in the Defense Department’s Program Evaluation office. I asked to meet with Chuck Spinney, but was stonewalled by the Pentagon. When I threatened a subpoena, we finally got them to agree to a Friday afternoon hearing in March 1983. The Pentagon hoped the hearing would get buried in the end-of-the-week news cycle. Instead, on Monday morning the newsstands featured a painting of Chuck Spinney on the front cover of Time Magazine. It labeled him as a “Pentagon Maverick.” I called him the “conscience of the Pentagon.” ¶ The country owes a debt of gratitude to people like Ernie Fitzgerald and Chuck Spinney. It takes guts to put your career on the line to expose waste and fraud. ¶ In the mid-1980s, we dusted off an old Civil War-era measure known as the False Claims Act as way to encourage whistleblowers to come forward and report fraud. We amended the law in 1986 to create the modern False Claims Act, which has resulted in over \$40 billion in taxpayer dollars being recovered for the federal treasury. We made sure when we passed it that it contained very strong whistleblower protections. Those provisions helped to build up support for whistleblowing. ¶ People like Chuck Spinney and Ernie Fitzgerald helped capture the public imagination and showed what whistleblowers could accomplish. However, that didn’t mean the Executive Branch stopped trying to silence them. For example, in the spring of 1987, the Department of Defense asked Ernie to sign a nondisclosure form. It would have prohibited him from giving out “classifiable” information without prior written authorization. That, of course, would have prevented giving it to Congress. Further, the term “classifiable” didn’t only cover currently classified information. It also covered any information that could later become classified. The government-wide nondisclosure form arguably violated the Lloyd-LaFollette Act of 1912. That law states that “the right of employees . . . to furnish information to . . . Congress . . . may not be interfered with or denied.” ¶ Just to make sure, I added the so-called “anti-gag” appropriations rider that passed Congress in December of 1987. It said that no money could be used to enforce any nondisclosure agreement that interferes with the right of individuals to provide information to Congress. It remained in every appropriations bill until 2013. I then worked to get that language into statute in 2012 with the Whistleblower Protection Enhancement Act. By the time of the first anti-gag rider in 1987, there was widespread recognition that all federal employees ought to be protected in disclosing waste and fraud to Congress. ¶ Meanwhile, I had also worked with Senator Levin to co-author what we called the Whistleblower Protection Act. We introduced it in February 1987. There were hearings on our bill in the summer of 1987 and the spring of 1988. It proceeded to pass the Senate by voice vote in August, then the House unanimously in October. After reconciling the differences, we sent the bill to the White House. However, President Reagan failed to sign it. That meant we had to start all over again in the next Congress. ¶ We didn’t let that stop us though. When we reintroduced the bill in January 1989, I came to the floor to make the following statement: ¶ We’re back with this legislation in the 101st Congress, and this time, we’re going to make it stick. Congress passed this bill last fall, after extensive discussions with members of the Reagan administration. But in spite of the compromise we worked out, this bill fell victim to President Reagan’s pocket veto. ¶ Whistleblowers are a very important part of Government operations. By exposing waste, fraud, and abuse, they work to keep Government honest and efficient. And for their loyalty, they are often penalized—they get fired, demoted, and harassed. ¶ . . . Under the current system, the vast majority of employees choose not to disclose the wrongdoing they see. They are afraid of reprisals and the result is a gross waste of taxpayers’ dollars. Government employers should not be allowed to cover up their misdeeds by creating such a hostile environment. ¶ Once again the bill passed the Senate and House without opposition. Working with George H.W. Bush, this time we got the president to sign it. On April 10, 1989, the Whistleblower Protection Act became law. ¶ Whistleblower Protections for the Intelligence Community ¶ We left part of the work undone 25 years ago. The Civil Service Reform Act of 1978 had exceptions for the FBI, the CIA, the NSA, and the other parts of the intelligence community. ¶ The Whistleblower Protection Act left employees of those agencies unprotected, and so have the laws that followed it. ¶ Back in 2012, I championed the addition of intelligence whistleblower protections to the Whistleblower Protection Enhancement Act. The provision I authored prohibited various forms of retaliation, including changing an employee’s access to classified information. Working closely with the Senate Select Committee on Intelligence, we got that language into the bill that passed the Senate by unanimous consent on May 8, 2012. However, it was not included in the bill the House passed on September 28, 2012. ¶ Prior to the differences being reconciled, on October 10, 2012, President Obama issued Presidential Policy Directive 19. It provided certain limited protections for whistleblowers with access to classified information. However, it was weaker than the provisions I had authored in the Whistleblower Protection Enhancement Act. Unfortunately, President Obama’s action undercut support for those provisions by suggesting that statutory protection was now unnecessary. The final law that passed in November left intelligence whistleblowers at the mercy of the presidential directive. ¶ Now, much of the language I had championed is in the version of the intelligence authorization bill that was passed by the Senate last November. It is certainly a step up from Presidential Policy Directive 19. Making any protections statutory is significant. The Senate-passed authorization bill also has better substantive protections than the presidential directive. ¶ It does still have some gray area. It leaves

some of the policy and procedure development to the discretion of the Executive Branch. In 1989, we did a similar thing with the FBI. The protections of the Whistleblower Protection Act didn't apply to the FBI. Yet that law did require the Attorney General to implement regulations for FBI whistleblowers consistent with those in the Whistleblower Protection Act. However, it soon became clear that was a little like putting the fox in charge of the henhouse. The Justice Department and the FBI simply ignored that part of the law for nearly 10 years. Not until 1997 did the Attorney General finally implement regulations for whistleblowers in the FBI.¶ The Justice Department was pushed into finally issuing those regulations by an FBI employee named Dr. Fred Whitehurst. Dr. Whitehurst was considered by the FBI to be its leading forensic explosives expert in the 1990s. Shortly after the Whistleblower Protection Act was passed in 1989, he disclosed major problems with the FBI Crime Lab. From 1990 to 1995, he wrote close to 250 letters to the Justice Department Inspector General about these problems. In January of 1996, he formally requested that the President implement regulations as required by the Whistleblower Protection Act. Only after Fred was suspended in early 1997 did the White House finally issue such a memo to the Attorney General. It instructed her to create a process for FBI whistleblowers as directed by the Whistleblower Protection Act. Fred's case dragged on for another year until the FBI finally agreed to settle with him in February 1998.¶ Fred Whitehurst is not alone. Over the years, others such as Mike German, Bassem Youssef, Jane Turner, and Robert Kobus have blown the whistle from within the FBI. Even after the Inspector General issued findings in their favor, several had to navigate a never ending, Kafka-esque internal appeals process. It seems designed to grind them into submission through years of inaction.¶ Now history has started to repeat itself. As Congress was passing the Whistleblower Protection Enhancement Act in 2012, President Obama issued Presidential Policy Directive 19. It tasked Attorney General Holder with reevaluating the same FBI whistleblower procedures that Fred Whitehurst helped get in place in 1997. The Attorney General was given 6 months to report back. When he didn't issue that report at the 6-month mark, I asked the Government Accountability Office to do its own, independent evaluation of FBI whistleblower protections. Now, 18 months after the President's directive, Attorney General Holder still hasn't released his report. Potential whistleblowers should not have to wait a decade, as they did with the first set of regulations. It appears that the Justice Department is simply sitting on its hands once again.¶ The example of the FBI should be instructive. Unlike the Whistleblower Protection Act, any statutory intelligence whistleblower provisions must be much more detailed about the protections Congress intends. ¶ Meanwhile, the FBI fiercely resists any efforts at Congressional oversight, especially on whistleblower matters. For example, four months ago I sent a letter to the FBI requesting its training materials on the Insider Threat Program. This program was announced by the Obama Administration in October 2011. It was intended to train federal employees to watch out for insider threats among their colleagues. Public news reports indicated that this program might not do enough to distinguish between true insider threats and legitimate whistleblowers. I relayed these concerns in my letter. I also asked for copies of the training materials. I said I wanted to examine whether they adequately distinguished between insider threats and whistleblowers. ¶ In response, an FBI legislative affairs official told my staff that a briefing might be the best way to answer my questions. It was scheduled for last week. Staff for both Chairman Leahy and I attended, and the FBI brought the head of their Insider Threat Program. Yet the FBI didn't bring the Insider Threat training materials as we had requested. However, the head of the Insider Threat Program told the staff that there was no need to worry about whistleblower communications. He said whistleblowers had to register in order to be protected, and the Insider Threat Program would know to just avoid those people.¶ Now I have never heard of whistleblowers being required to "register" in order to be protected. The idea of such a requirement should be pretty alarming to all Americans. Sometimes confidentiality is the best protection a whistleblower has. Unfortunately, neither my staff nor Chairman Leahy's staff was able to learn more, because only about ten minutes into the briefing, the FBI abruptly walked out. FBI officials simply refused to discuss any whistleblower implications in its Insider Threat Program and left the room. These are clearly not the actions of an agency that is genuinely open to whistleblowers or whistleblower protection. ¶ Like the FBI, the intelligence community has to confront the same issue of distinguishing a true insider threat from a legitimate whistleblower. This issue could be impacted by both the House- and Senate-passed versions of the intelligence authorization. Both include language about continuous monitoring of security clearance holders, particularly the House version. ¶ Director of National Intelligence James Clapper seems to have talked about such procedures when he appeared before the Senate Armed Services Committee on February 11, 2014. In his testimony, he said:¶ We are going to proliferate deployment of auditing and monitoring capabilities to enhance our insider threat detection. We're going to need to change our security clearance process to a system of continuous evaluation. . . . What we need is . . . a system of continuous evaluation, where . . . we have a way of monitoring their behavior, both their electronic behavior on the job as well as off the job, to see if there is a potential clearance issue. . . .¶ Director Clapper's testimony gives me major pause. It sounds as though this type of monitoring would likely capture the activity of whistleblowers communicating with Congress. ¶ To be clear, I believe the federal government is within its rights in monitoring employee activity on work computers. That applies all the more in the intelligence context. However, as I testified before the House Oversight and Government Reform Committee recently, there are areas where the Executive Branch should be very cautious. The House Oversight Committee held a hearing on electronic monitoring that the U.S. Food and Drug Administration had done of certain whistleblowers in the agency. This monitoring was not limited to work-related activity. The FDA allows its employees to check personal email accounts at work. As a result, its whistleblower monitoring captured personal email account passwords. It also captured attorney-client communications and confidential communications to Congress and the Office of Special Counsel. Some of these communications are legally protected. ¶ If an agency captures such communications as the result of monitoring, it needs to think about how to handle them differently. Otherwise, it would be the ideal tool to identify and retaliate against whistleblowers. Without precautions, that kind of monitoring could effectively shut down legitimate whistleblower communications. There could be safeguards, however. For example, whistleblower communications could be segregated from other communications. Only limited groups could have access rather than all of upper management. In any case, whistleblowing disclosures to Congress or the Special Counsel can't just be routed back to the official accused of wrongdoing. ¶ As the 1990 Executive Order made clear, whistleblowing is a federal employee's duty. It should be considered part of their official responsibilities, and something they can do on work time. However, that doesn't mean they aren't allowed to make their protected disclosures confidentially, to protect against retaliation. A federal employee has every right to make protected disclosures anonymously, whether at work or off the job. Every member of this body should realize that without some safeguards, there is a chance their communications with whistleblowers may be viewed by the Executive Branch. ¶ These same considerations apply in the intelligence community. The potential problems are heightened if electronic monitoring extends off the job, such as Director Clapper mentioned. We have to balance detecting insider threats with letting whistleblowers know that their legitimate whistleblower communications are protected. With continuous monitoring in place, any whistleblower would understand that their communications with the Inspector General or Congress would likely be seen by their agency. They might perhaps even be seen by those they believe are responsible for waste, fraud or abuse. That

leaves the whistleblowers open to retaliation. Even with the protections in this bill, we should all understand that it's difficult to prevent retaliation. It requires a lengthy process for an individual to try and prove the retaliation and get any remedy. It's far better where possible to take precautions that prevent the likelihood of retaliation even occurring. Otherwise, we will make it virtually impossible for there even to be such a thing as an intelligence community whistleblower. Fraud and waste will go unreported. No one will dare take the risk. ¶ Value of Whistleblowers¶ To return to the theme I started on, whistleblowers need protection from retaliation today just as much as they did 25 years ago when we passed the Whistleblower Protection Act. I've always said whistleblowers are too often treated like a skunk at a picnic. However, 25 years after the Whistleblower Protection Act, the data on whistleblowing is in, and the debate on whether to protect whistleblowers is over. There is widespread public recognition that whistleblowers perform a valuable public service.¶ Earlier this year, PricewaterhouseCoopers found that 31% of serious fraud globally was detected by whistleblowing systems or tip-offs. According to a 2012 report from another organization, that number is even higher when looking just in the U.S., with 51% of fraud tips coming from a company's own employees. In 2013, of U.S. workers who had observed misconduct and blown the whistle, 40% said that the existence of whistleblower protections had made them more likely to report misconduct.¶ Whistleblowers are particularly vital in government, where bureaucrats only seem to work overtime when it comes to resisting transparency and accountability. A year and a half after the Whistleblower Protection Act, President Bush issued an Executive Order in 1990 that said that all federal employees "shall disclose waste, fraud, abuse and corruption to appropriate authorities." Federal employees are still under that obligation today. They are fulfilling a civic duty when they blow the whistle. I have encouraged President Reagan and every president after him that we ought to have a Rose Garden ceremony honoring whistleblowers. Unfortunately, that has not happened. ¶ Further, while the Obama Administration promised to be the most transparent in history, it has instead cracked down on whistleblowers like never before. Last week the Supreme Court denied a petition to hear an appeal from a case named Kaplan v. Conyers. The Obama Administration's position in that case, if allowed to stand, means untold numbers of federal employees may lose some of the very same appeal rights we tried to strengthen in the Whistleblower Protection Act. It could be half or more of federal employees impacted. Such a situation would undo 130 years of protection for civil servants, dating back to the Pendleton Civil Service Reform Act of 1883. President Obama promised to ensure that whistleblowers have full access to courts and due process. However, his Administration has pursued the exact opposite goal here. That is unacceptable.¶ I think it's important to send a loud and clear signal that waste, fraud, and abuse won't be tolerated in government. That's why I'm pleased to announce that I will be forming a whistleblower protection caucus. I'll be talking to my colleagues at the beginning of the 114th Congress. Until then, I'll be talking to my colleagues and encouraging them to join me as we start putting together an agenda for the caucus in the new Congress. As we celebrate the 25th anniversary of the Whistleblower Protection Act, we should all recognize whistleblowers for the sacrifices they make. Those that fight waste, fraud, and abuse in government should be lauded for their patriotism.¶ Whistleblower protections are only worth anything if they're enforced. Just because we've passed good laws does not mean we can stop paying attention to the issue. There must be vigilant oversight by Congress. The best protection for a whistleblower is a culture of understanding and respecting the right to blow the whistle. I hope this whistleblower caucus will send the message that Congress expects that kind of culture. I call on my colleagues to help me make sure that whistleblowers continue to receive the kind of protection they need and deserve.

Because the FDA ignored regulations, we need government action to strengthen federal whistleblower protections

Feder, 2009

(Dr. Ned Fender M.D., staff scientist at POGO, Areas of expertise: Misconduct in the funding of biomedical research; misconduct by biomedical researchers. (February 18, 2009, "The FDA's Deadly Gamble with the Safety of Medical Devices" <http://www.pogo.org/our-work/reports/2009/ph-fda-20090218.html?referrer=https://www.google.com/>)/CEB

The decision by top CDRH officials to not enforce the GLP regulation is stunning in its contempt for the protection of patients and its indifference to standards that comply with federal regulations. Their decision, which was made over the strong objections of CDRH scientists, is no harmless blunder. It is a high-stakes, unknown-odds gamble with the lives of patients. It was also made without public notice. The deliberate disregard of the GLP regulation can be understood better when viewed as one of a range of serious problems in the FDA as a whole. The FDA's troubles start with its budget, which has not kept up with its growing responsibilities. For years, the agency has been underfunded, understaffed, and overworked. The gross inadequacy of the FDA's budget has resulted in an agency that "can no longer fulfill its mission without substantial and sustained additional appropriations."¹ Some critics of the

FDA say that manufacturers' requests for evaluation of drugs and devices are processed by the FDA too hastily and with a bias toward approval. They see the FDA leadership as frequently bowing to political influence and to the wishes of the industry it regulates, leading the agency to exert improper pressure on FDA scientists during their process of evaluating the safety of medical devices. The FDA's mission—to protect the public health—depends on vigorous oversight and enforcement as a matter of agency policy. When the FDA fails to enforce certain regulations, the consequences can be lethal. Congress or HHS IG should conduct an investigation of the decision made by senior CDRH officials to ignore or deemphasize enforcement of the GLP regulation without prior public announcement. The GAO or the HHS IG should audit those records related to GLP which may contain evidence of device manufacturers' compliance or noncompliance with the GLP regulation. After auditing has established the facts, CDRH should implement a program of GLP enforcement. If serious violations of the GLP regulation are found, either during the audit recommended here or after resumption of enforcement actions by CDRH, the range of possible responses should extend beyond the usual Warning Letter and should include referral for possible criminal prosecution if circumstances warrant it. The possible role of GLP noncompliance should be considered whenever a device malfunctions either during clinical testing or after marketing. Senior FDA officials should require full transparency in all agency actions other than those whose public disclosure is prohibited by regulation or law. Congress should pass legislation and the President should issue an Executive Order to strengthen federal employee whistleblower protections. Congress should pass legislation that would make lawsuits by injured patients possible. Congress and the administration should at least double the budget of the FDA by 2012.

Must implement procedural safeguards

Grassley and Wyden, 2014

Letter to NID, <http://www.grassley.senate.gov/news/news-releases/grassley-wyden-press-answers-continuous-monitoring-whistleblower-and-legislative> //CEB

If whistleblower communications with Inspectors General or with Congress are routinely monitored and conveyed to agency leadership, it would defeat the ability to make protected disclosures confidentially, which is especially important in an intelligence community context. Truly meaningful whistleblower protections need to include the option of a legitimate channel for confidential disclosures. Inspectors General and Congress provide such an option. However, if potential whistleblowers believe that disclosing waste, fraud or abuse means putting a target on their backs for retaliation, they will be intimidated into silence. The failure to provide such protected alternatives could result in whistleblowers choosing to make unprotected disclosures in public forums, with potential negative consequences for national security. In particular, any monitoring of employees' "electronic behavior on the job as well as off the job" needs to include safeguards to prevent the chilling of legitimate whistleblower communications and protect the confidentiality of any legally privileged information. Procedural safeguards to prevent the targeting of whistleblowers for extra scrutiny as well as minimization requirements to avoid collecting protected communications are some examples of the sorts of safeguards that should be developed. If captured inadvertently, protected disclosures certainly should never be routed back to an official involved in any alleged wrongdoing reported by the whistleblower. We believe it is critical that these issues be carefully considered and resolved before fully implementing any policy of continuous monitoring.

Congress make give protection to whistleblowers.

Human Rights Watch, June 18, 2013

(Human Rights Watch, nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world, June 18, 2013, "US: Statement on Protection of Whistleblowers in Security Sector," <https://www.hrw.org/news/2013/06/18/us-statement-protection-whistleblowers-security-sector>, Accessed: July 7, 2015, YDEL)

Moving Forward to Protect Whistleblowers and Democratic Accountability¶ In light of these specific facts, Human Rights Watch urges the Obama administration not to prosecute Edward Snowden or other national security whistleblowers until it is prepared to explain to the public, in as much detail as possible, what the concrete and specific harms to national security his disclosures have caused, and why they outweigh the public's right to know. If the administration truly welcomes a debate on issues of privacy, rights, and security, as President Obama has said it does, then prosecuting the man who sparked the debate is not the way to show it.¶ In addition, the government should cease using the Espionage Act to charge those who disclose classified information to the public that shows wrongdoing or unethical government programs or policies. In this regard, we note that the penalties for disclosures under the Espionage Act, whose charges carry 10-year prison terms, are significantly heavier than what many other democracies impose on government agents who expose secrets, and that the European Court of Human Rights has ruled in favor of protecting security sector whistleblowers when the public interest in their disclosures outweighs other important state interests.[22]¶ Finally, **Congress should provide effective protections for confidential disclosures and legal rights that security sector whistleblowers can invoke in case of retaliation.** Congress has authority to demand greater transparency from the executive branch, and to inform citizens of the scope of secret surveillance programs. It should set firm limits on not only what sort of data may be collected for what purpose, but also how long the NSA and other agencies may retain data not directly connected to an ongoing investigation. All branches of government have a responsibility to minimize the amount of information that is withheld from the public, so that the functioning of government does not have to rely on leaks to be visible to the governed. ¶

Congress has the power to provide oversight for whistleblowers

Human Rights Watch, June 18, 2013

(Human Rights Watch, nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world, June

18, 2013, "US: Statement on Protection of Whistleblowers in Security Sector," <https://www.hrw.org/news/2013/06/18/us-statement-protection-whistleblowers-security-sector>, Accessed: July 7, 2015, YDEL)

We believe US authorities should exercise discretion when considering prosecuting such leaks under US laws governing classified information. They should not bring charges against whistleblowers who expose government wrongdoing unless they can make a compelling case that the harm to national security caused by the disclosure is so significant that it overrides the public's right to know and are prepared to make that case publicly, providing as much detail as possible on the actual harm.¶ Any law that respects rights should place the burden of this argument on the government, not the whistleblower, and the simple fact that information is classified should never be sufficient on its own to defeat protection for disclosures that are in the public interest. In particular, the Espionage Act, which was framed to punish the passing of sensitive information to a foreign enemy, should never be distorted beyond its intended purpose and used to punish whistleblowers.¶ **Congress should live up to its responsibility to provide effective protection and meaningful recourse to whistleblowers.** To start, it should enact meaningful laws on which they can rely, both to challenge official retaliation and to defend themselves from criminal and civil liability. It should insist on greater disclosure from security agencies and share information concerning the dimensions and modalities of security surveillance with the public. And it should work with the administration to cut back on the overwhelming growth of classified information and protect the public's right to know.¶ Both **Congress and the Obama administration** should rethink surveillance programs and reform them to ensure that they intrude no more than necessary on the private communications of all people, not just US citizens. The United States has been a strong proponent of Internet freedom, but it risks its reputation when it fails to respect the rights of Internet and phone users.

Monitoring Restrictions Solvency

Need comprehensive policies on employee computer monitoring across the govt

Senator Grassley, 2014

<http://www.grassley.senate.gov/news/news-releases/crossing-line-fda-employee-monitoring> March 4 //CEB

However, FDA officials gave little, if any, thought to the legal limits that might restrict their power to monitor employees. No one at the FDA made any attempt to limit the collection of legally protected communications with attorneys, with the Office of Special Counsel, or with Congress. The FDA trampled on the privacy of its employees and their right to make legally protected disclosures of waste, fraud, or abuse. These whistleblowers thought the FDA was caving to pressure from the companies that were applying for FDA approval. I don't know whether they were right, but they have a legal right to express those concerns. After expressing their safety concerns, two whistleblowers were fired. Two more were forced to leave the FDA. And five of them were subjected to an intense spying campaign. This treatment is in direct contradiction of the FDA commissioner's vow to create a culture that values whistleblowers. The FDA has failed to accept responsibility for its actions or impose accountability. These actions are disappointing. But it would be even worse if the agency fails to learn from its mistakes. All agencies need to learn from these mistakes. There need to be more comprehensive policies on employee computer monitoring across the entire government. These policies need to ensure that any monitoring is limited to achieve only a legitimate purpose. Watching an employee's every move leads to a culture of intimidation and fear. That's no way to encourage whistleblowers or value their concerns.

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Possible Plans

The United States federal government should increase congressional oversight including; a prohibition on the monitoring of communications with those legally covered by a protected disclosure; mandate a requirement that federal agency employees participate in the Office of Special Counsel Whistleblower Protection Act certification program; mandate a legal review and express authorization before any potentially protected communication that is collected is shared.

The United States federal government should substantially curtail the National Insider Threat Policy.

The United States federal government should enhance its oversight of whistleblower protections from federal surveillance.

The United States federal government should substantially increase its oversight of the National Insider Threat Policy.

The United States federal government should substantially curtail Executive Order 13587.

Status Quo

Observation One: The Status Quo –

In 2011 the Obama Administration began the Insiders Threat Program to surveil federal employees and monitor their moves at work to prevent national security leaks – the program continues today despite it having ZERO effectiveness

Landay 13

(Johnathon, “U.S. Plan To Predict Future Leakers Isn't Likely To Work, Experts Caution,” pg proquest //um-ef)

WASHINGTON -- In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues based on behavioral profiling techniques **that are not scientifically proven to work**, according to **experts** and government documents. **The techniques are a key pillar of the Insider Threat Program, an unprecedented government-wide crackdown under which millions of federal bureaucrats and contractors must watch out for "high-risk persons or behaviors" among co-workers.** Those who fail to report them could face penalties, including criminal charges. Mr. Obama mandated the program in a **October 2011 executive order** after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and gave them to WikiLeaks, the anti-government-secrecy group. **The order covers virtually every federal department and agency, including the Peace Corps, the Department of Education and others not directly involved in national security.** Under the program, being implemented with little public attention, **security investigations can be launched when government employees showing "indicators of insider threat behavior" are reported by co-workers,** according to previously undisclosed administration documents. **Investigations also can be triggered when "suspicious user behavior" is detected** by computer network monitoring and reported to "insider threat personnel." Federal employees and contractors are asked to pay particular attention to co-workers' lifestyles, attitudes and behaviors -- such as financial troubles, odd working hours or unexplained travel -- as a way to predict whether they might do "harm to the United States." **Managers of special insider threat offices will have "regular, timely and, if possible, electronic access" to employees' personnel, payroll, disciplinary and "personal contact" files,** as well as records of their use of classified and unclassified computer networks, polygraph results, travel reports and financial disclosure forms. Over the years, numerous studies of public and private workers who have been caught spying, leaking classified information, stealing corporate secrets or engaging in sabotage have identified psychological profiles that could offer clues to possible threats. **Administration officials want government workers trained to look for such indicators and report them, so the next violation can be stopped before it happens.** "In past espionage cases, we find people saw things that may have helped identify a spy, but never reported it," said Gene Barlow, spokesman for the Office of the National Counterintelligence Executive, which oversees government efforts to detect threats such as spies and computer hackers and is helping implement the Insider Threat Program. "That is why the awareness effort of the program is to teach people not only what types of activity to report, but how to report it, and why it is so important to report it." **But even the government's top scientific advisers have questioned these techniques.** Those experts say **trying to predict future acts through behavioral monitoring is unproven** and could result in illegal ethnic and racial profiling and privacy violations. "There is no consensus in the ^{relevant} scientific community nor on the committee regarding whether any behavioral surveillance ^{or physiological} monitoring techniques are ready for use at all." **a 2008 National Research Council report on detecting terrorists concluded. "Doing something similar about predicting future leakers seems even more speculative."** Carnegie Mellon University statistics and social science professor Stephen Fienberg in Pittsburgh, a member of the NRC committee that wrote the report, said in an interview.

Whistleblowers Advantage

Advantage ____ : Whistleblowing –

The insider threat program will be abused by agencies and used to undercut and intimidate potential federal whistleblowers – the reach of the program affects all federal employees creating a chilling effect

Washington Post 14

(Scott, Higham writer Intelligence security initiatives have chilling effect on federal whistleblowers, critics say, https://www.washingtonpost.com/world/national-security/intelligence-security-initiatives-have-chilling-effect-on-federal-whistleblowers-critics-say/2014/07/23/c9dfd794-0ea0-11e4-8341-b8072b1e7348_story.html) JB

The Insider Threat Program and a continuous monitoring initiative under consideration in the intelligence community were begun by the Obama administration after the leaks of classified information by former NSA contractor Edward Snowden and Army Pvt. Chelsea Manning, and the Navy Yard shootings by Aaron Alexis, who used his security clearance to gain access to the base. The programs are designed to prevent leaks of classified information by monitoring government computers and employees' behavior. Grassley said the episode with the FBI illustrates how federal agencies are setting up internal security programs without giving careful consideration to whether they could dissuade whistleblowers from coming forward. "The Insider Threat Program has the potential for taking the legs out from underneath all of the whistleblower protections we have," Grassley said in a recent interview. Greg Klein, the head of the FBI's Insider Threat Program, and McDonough, the congressional affairs agent, did not return calls seeking comment. An FBI spokesman said the bureau does not plan to register whistleblowers. He said there was a misunderstanding about the nature of the briefing with staff members for Grassley, Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) and a law enforcement official who is assigned to the Senate panel. The spokesman noted that the FBI has a whistleblower training program for employees and a whistleblower protection office. "We recognize the importance of protecting the rights of whistleblowers," FBI spokesman Paul Bresson said. Grassley is part of a growing chorus of lawmakers on Capitol Hill and attorneys for whistleblowers who warn that the Insider Threat Program and the potential intelligence community initiative threaten to undermine federal workers' ability to report wrongdoing without retaliation. Together, the programs cover millions of federal workers and contractors at every government agency. In February, Director of National Intelligence James R. Clapper Jr. testified before the Senate Armed Services Committee that a system was being considered to continuously monitor the behavior of employees with security clearances "on the job as well as off the job." A senior intelligence official said a continuous monitoring program, mandated under the Intelligence Authorization Act and signed into law by President Obama on July 7, is being set up and initially will include federal employees who hold top-secret security clearances. The official said there are no plans to monitor employees after hours while they are using non-government computer systems. "I think it's time to put up the caution light here," said Sen. Ron Wyden (D-Ore.), a member of the Senate Intelligence Committee. While Wyden included a provision in the most recent Intelligence Authorization Act that would prohibit retaliation against whistleblowers, he said he remains concerned about the impact of the threat programs. "This really has the potential for abuse, and I think it could have a chilling effect on the public's right to know and effective oversight of our government," Wyden said. Dan Meyer, the head of the Intelligence Community Whistleblowing & Source Protection program, created last year as part of the Office of Intelligence Community Inspector General, said he is working to ensure that employees who want to report wrongdoing can do so anonymously and without reprisal. "The critical thing is to maintain confidentiality," Meyer said. He said he is preparing training materials for intelligence officers and spreading the word that employees can come to him anonymously through third parties. If an employee has verifiable information about wrongdoing, a presidential directive takes effect, providing employees with protection against retaliation. "We are in the process of making a systematic, cultural change and getting everyone on board," Meyer said. After Manning's disclosures to WikiLeaks four years ago, Obama signed Executive Order 13587, directing government agencies to assess how they handle classified information. On Nov. 28, 2010, the Office of the National Counterintelligence Executive issued a memo to senior government agency officials, advising them to identify insider threats. The memo suggested using psychiatrists and sociologists to assess changes in employees' behavior. "What metrics do you use to measure 'trustworthiness' without alienating employees?" the counterintelligence office asked the agency chiefs. "Do you use a psychiatrist or sociologist to measure: relative happiness as a means to gauge trustworthiness? Despondence and grumpiness as a means to gauge waning trustworthiness?" "It will only increase hostility between the government and really serious federal employees who are trying to improve the system," said Lynne Bernabei, a partner at Bernabei & Wachtel in Washington who has been representing whistleblowers for nearly 30 years. "Turning the security apparatus against its own people is not going to work." Whistleblower lawyers said they understand the need to protect classified information but think some of the new programs go too far. "There are legitimate reasons for employers to be on the lookout for people who might be leaking classified information, but this will obviously have a chilling effect on employees who might want to blow the whistle," said Jason Zuckerman, who served as the senior legal adviser to the U.S. Office of Special Counsel, the federal agency charged with protecting whistleblowers, and now represents whistleblowers nationwide. Michael German, a former undercover FBI agent and whistleblower, called the Insider Threat Program a "dangerous" initiative.

And, the effect spills-over to EVERY agency – its targeted surveillance at every potential whistleblower

Gap 12- whistleblower protection and advocacy organization

(Government Accountability Project, FDA Surveillance of Whistleblowers ‘Unacceptable’,
<http://whistleblower.org/press/fda-surveillance-whistleblowers-%E2%80%99unacceptable%E2%80%9999>)
JB

‘Chilling Effect’ Far-Reaching if Congress Fails to Act (Washington, D.C.) – Today, the Government Accountability Project (GAP) is publicly denouncing the Food and Drug Administration’s (FDA) implementation of an invasive and potentially illegal surveillance system instituted against employees trying to blow the whistle on critical safety issues surrounding medical devices. The New York Times revealed the in-depth surveillance program in an explosive piece this past weekend. That article detailed how the agency monitored and “secretly captured thousands” of email communications between the whistleblowers and members of the media, Congress, attorneys, other regulatory officials, and the White House. Many of these communications are protected by various whistleblower laws. Subsequent reports show that agency lawyers approved these measures. Amanda Hitt, GAP Public Health Director, and Director of GAP’s Food Integrity Campaign (which aims to protect whistleblowers at the FDA), stated: “While the outcry by Congress and regulators thus far against the FDA is encouraging, the damage may have already been done. It’s hard to imagine how this fiasco won’t have a chilling effect on future FDA whistleblowers, and employees from all sorts of government agencies. This foray into espionage is nothing more than a service the agency provides to its ‘clients.’ Simply put, the FDA is spying on its own to protect the financial interests of the very corporations it is bound to regulate.” GAP National Security & Human Rights Director Jesselyn Radack, who monitors the federal government’s use of surveillance, stated: “Like a virus, the systematic mass surveillance of federal employees has spread beyond national security agencies to domestic ones – to programs that in no way involve classified information. This FDA program was not the random monitoring of government computers. it is a premeditated, targeted strike against whistleblower-scientists who attempted to safeguard the public. This surveillance is unacceptable.”

And, Only strengthening whistleblowers’ rights solves – whistleblowers are an essential check on government fraud and abuse – lack of protections ensures a chilling effect that kills effectiveness

Anderson and Kleinman 14

(Christine Anderson, Public Policy Fellow, POGO, and Avery Kleinman was the Beth Daley Impact Fellow for the Project On Government Oversight, “FDA Surveillance Threatened Whistleblowers,” pg online @ <http://www.pogo.org/blog/2014/02/fda-surveillance-threatened-whistleblowers.html> //um-ef)

Congress and the President must mandate a government-wide policy to prevent future surveillance abuses, Angela Canterbury, Director of Public Policy at the Project On Government Oversight, told the House Oversight and Government Reform Committee Wednesday during a hearing entitled “Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers.” The hearing revisited the media-dubbed case of the “FDA 9,” a group of Food and Drug Administration (FDA) physicians and scientists who wrote to Congress and the President in 2008 and 2009 warning that ineffective and unsafe devices were being approved by the FDA. The FDA whistleblowers described serious wrongdoing by mid-level and senior FDA officials who cut corners and overruled scientists. The FDA then began to spy on the whistleblowers—sweeping up whistleblowing disclosures to Congress, the Office of Special Counsel, and POGO. The hearing was timed with the release of a joint staff report by House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) and Senate Judiciary Ranking Member Chuck Grassley (R-Iowa), titled “Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers.” The report concluded that the FDA lacked sufficient authorization to monitor the whistleblowers, unlawfully captured protected communications of the whistleblowers, failed to explain how ongoing monitoring was necessary to the investigation of a past leak, and did not adequately bolster whistleblower protections in new policies. Ranking Member Elijah Cummings (D-Md.) introductory remarks voiced his discontent at being shut out of the drafting of the report. “We must protect our whistleblowers. I am committed to that, and we are all committed to that. Unfortunately, the majority has taken a traditionally

bipartisan issue, something that all committee members should be investigating together, and turned it into another partisan spectacle for which our committee has become well-known.” Chairman Issa responded, “Whistleblowers made Senator Grassley and his staff aware of a problem, but independent investigation by the IG and by this committee—bipartisan investigation—have led us to the conclusions we will hear today.” The minority may produce its own report on the findings in the coming weeks. Senator Grassley testified first, stating, “In 33 years, under

both Republicans and Democrats, I’ve found the problem the same. Whatever bureaucracy you’re talking about, whistleblowers are about as welcome in a bureaucracy as skunks at a picnic. On the FDA specifically, he said, “We have found problems with the respect of scientists and the respect of the scientific process within that agency regardless of who was president.”

You can watch the Senator’s full testimony here. Discussing the alleged confidentiality of the information shared by the whistleblowers, Chairman Issa emphasized that the trade secrets being protected by confidentiality claims protect the companies, not the public. “Most people probably listening and watching and today believe the public has a right to know that information and may not agree with the FDA’s view that that is private or confidential or somehow a secret from the American people as to whether a product that may or may not yet be on the market is safe and effective.” Canterbury agreed with the Chairman’s concerns, and later noted that neither the Issa-Grassley nor the Health and Human Services Inspector General (HHS IG) investigation confirmed that the FDA surveillance found evidence of the disclosure of confidential information. Moreover, whether the information was confidential should have been investigated—instead of the whistleblowers. Canterbury also said that protecting whistleblowers at the FDA may be a matter of life and death for many Americans: Whistleblowers are the guardians of the public trust and safety. Without proper controls at FDA and throughout the government, employee surveillance is a serious threat to whistleblower protections. The resulting chilling effect will significantly reduce accountability—thus keeping waste, fraud, abuse, and threats to public health and safety in the shadows. The FDA’s problems can be deadly. There have been far too many ineffective and unsafe medical devices approved by the broken agency. Canterbury said. Unfortunately, there have been multiple instances of misconduct in the medical device approval process at the FDA in the past few years. In February 2009, POGO issued a report authored by Dr. Ned Feder, The FDA’s Deadly Gamble with the Safety of Medical Devices, which showed that senior FDA officials decided not to enforce a regulation that helps protect patients from unsafe devices. The officials did this over the protests of scientists. Canterbury told the committee that unwarranted surveillance is a serious threat and government agencies should not be allowed to police themselves. She noted that only law enforcement, such as the FBI, Office of Special Council, and Inspector General, should investigate suspected leaks of legally protected information or other crimes. The HHS IG, the watchdog tasked with oversight of the FDA, released its report on the surveillance of the whistleblowers the night before the hearing. The report pointed to FDA’s failure to consider whether potentially intrusive monitoring would be “the most appropriate investigative tools” with which to investigate a suspected leak.

And, the risk of Environmental collapse is high and coming – whistleblower protections are necessary – failure means the collapse of the planet and humanity from environmental deterioration

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env’tl. Aff. L. Rev. 195, “Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet,” pg lexis//um-ef)

The changing environment may be one of the most pressing threats in all of human history. Climate change, dwindling fresh drinking water supplies, and exposure to toxic elements pose serious health concerns to human beings, and have the potential to jeopardize the future of humanity. Greater preventative, mitigating, and remedial actions are needed to prevent these threats from spiraling out of control and creating devastating effects, and it will take an effort—both public and private—of massive proportions to achieve such prevention. Given the scope of the problem, every effort should be made to incentivize widespread participation in the enforcement of environmental protection measures. The government should not only devote public resources to this fight, but also actively recruit, promote, and support assistance from private citizens, and provide resources that will incentivize such a program. Public resources alone will be insufficient

to combat the environmental challenges that the United States now faces. n201 The federal and state governments and their agencies are simply ill equipped to effectively ascertain, address, and reverse the environmental problems now being confronted. n202 [*217] The government lacks sufficient financial resources to adequately address all of the threats to the environment, and even if it had adequate resources, its scope of expertise is inadequate. n203 In fact, the government's resources are so limited that it cannot even enforce the statutory regulations that it currently has in place by addressing every reported violation. n204 It is nearly impossible, for example, for the Environmental Protection Agency (EPA) to monitor every source of pollution or project that poses a threat to the environment. n205 Detecting such violations requires not only financial wherewithal, but also the technical expertise and understanding to clearly identify every breach of a statute or regulation. n206 Further, private resources appear to be necessary to combat the alignment of the economic interests of the federal government, the states, and private industry. n207 Many states attempt to foster a favorable operating arena for industry by engaging in a race to the bottom for lax environmental regulations meant lure businesses into their economies. n208 In such instances, state and private economic interests run counter the overall public welfare that the federal government is trying to protect. n209 Further, government agencies responsible for enforcing environmental statutes may also have deep ties to industry as a result of agency-capture, which run counter to the government's own goals. n210 In order to account for these shortcomings, citizens must be given a more meaningful opportunity to assist in the enforcement of statutes that protect public welfare. n211 2. The Inadequacy of Citizen Suit Provisions for Enforcement The government's current efforts to enlist private resources into the fight to protect the environment have primarily been made through citizen suit provisions. n212 Citizen suit provisions, however, have many weaknesses that largely [*218] render them ineffective at recruiting private resources that significantly aid in the protection of the environment. n213 One of the major problems with citizen suits is that they fail to sufficiently improve the public's ability to detect violations. n214 The moving party in most citizen suits is most often a large, well-funded private group, and such parties generally lack specific knowledge of wrongdoing by a given violator. n215 They must work to uncover violations just as any public agency or government prosecutor would. n216 Further, although citizen suits may add more eyes to look for alleged violations, they do not achieve the necessary effect of incentivizing those with actual knowledge of specific violations to come forward. n217 Citizen suits can also be ineffective because they have the potential to promote environmentally counterproductive cooperation between prosecutors, agencies and industry. n218 Hurdles contained in citizen suits, such as the requirement that a citizen suit be dropped if the government diligently prosecutes the matter, may foster lax enforcement. n219 This is because pro-industry governmental actors may simply pursue minimal corrective measures against an industry violator, inhibiting the full compliance generally sought in a successfully waged citizen suit. n220 Perhaps most importantly from the perspective of potential whistleblowers, citizen suits also fail to adequately incentivize whistleblowers and their counsels to engage in these suits by aligning their interests with the government's. n221 Citizen suits do not provide any financial reward to plaintiffs and merely provide injunctive relief or damages paid to the government. n222 In some [*219] cases, plaintiffs who bring these suits are even barred from even recovering attorney's fees, regardless of whether or not bringing the suit achieves the desired result. n223 B. Advantages of Whistleblower Programs Whistleblower programs provide assistance to the U.S. government and regulatory agencies by aligning public and private interests. n224 When private instruments of justice are undertaken in the interest of the common good, they can produce beneficial tools, such as legal talent, investigative resources, and inside information. n225 Wrongdoing can often be difficult to detect, and therefore, an insider with intimate knowledge of a company or a potentially liable party's actions, can be invaluable in prosecuting enforcement actions without expending prohibitively large amounts of resources. n226

And, total planetary extinction is a certainty now – most qualified evidence

Barnosky et al 12

(Anthony D. Barnosky, Elizabeth A. Hadly, Jordi Bascompte, Eric L. Berlow, James H. Brown, Mikael Fortelius, Wayne M. Getz, John Harte, Alan Hastings, Pablo A. Marquet, Neo D. Martinez, Arne Mooers, Peter Roopnarine, Geerat Vermeij, John W. Williams, Rosemary Gillespie, Justin Kitzes, Charles Marshall, Nicholas Matzke, David P. Mindell, Eloy Revilla & Adam B. Smith, Nature 486, 52–58 (07 June 2012), “Approaching a state shift in Earth’s biosphere,” <http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html>)

Localized ecological systems are known to shift abruptly and irreversibly from one state to another when they are forced across critical thresholds. Here we review evidence that the global ecosystem as a whole can react in the same way and is approaching a planetary-scale critical transition as a result of human influence. The plausibility of a planetary-scale ‘tipping point’ highlights the need to improve biological forecasting by detecting early warning signs of critical transitions on global as well as local scales, and by detecting feedbacks that promote such transitions. It is also necessary to address root causes of how humans

are forcing biological changes. Introduction Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments Humans now dominate Earth, changing it in ways that threaten its ability to sustain us and other species^{1, 2, 3}. This realization has led to a growing interest in forecasting biological responses on all scales from local to global^{4, 5, 6, 7}. However, most biological forecasting now depends on projecting recent trends into the future assuming various environmental pressures⁵, or on using species distribution models to predict how climatic changes may alter presently observed geographic ranges^{8, 9}. Present work recognizes that relying solely on such approaches will be insufficient to characterize fully the range of likely biological changes in the future, especially because complex interactions, feedbacks and their hard-to-predict effects are not taken into account^{6, 8, 9, 10, 11}. Particularly important are recent demonstrations that ‘critical transitions’ caused by threshold effects are likely¹². Critical transitions lead to state shifts, which abruptly override trends and produce unanticipated biotic effects. Although most previous work on threshold-induced state shifts has been theoretical or concerned with critical transitions in localized ecological systems over short time spans^{12, 13, 14}, planetary-scale critical transitions that operate over centuries or millennia have also been postulated^{3, 12, 15, 16, 17, 18}. Here we summarize evidence that such planetary-scale critical transitions have occurred previously in the biosphere, albeit rarely, and that humans are now forcing another such transition, with the potential to transform Earth rapidly and irreversibly into a state unknown in human experience. Two conclusions emerge. First, to minimize biological surprises that would adversely impact humanity, it is essential to improve biological forecasting by anticipating critical transitions that can emerge on a planetary scale and understanding how such global forcings cause local changes. Second, as was also concluded in previous work, to prevent a global-scale state shift, or at least to guide it as best we can, it will be necessary to address the root causes of human-driven global change and to improve our management of biodiversity and ecosystem services^{3, 15, 16, 17, 19}. Basics of state shift theory Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments It is now well documented that biological systems on many scales can shift rapidly from an existing state to a radically different state¹². Biological ‘states’ are neither steady nor in equilibrium; rather, they are characterized by a defined range of deviations from a mean condition over a prescribed period of time. The shift from one state to another can be caused by either a ‘threshold’ or ‘sledgehammer’ effect. State shifts resulting from threshold effects can be difficult to anticipate, because the critical threshold is reached as incremental changes accumulate and the threshold value generally is not known in advance. By contrast, a state shift caused by a sledgehammer effect—for example the clearing of a forest using a bulldozer—comes as no surprise. In both cases, the state shift is relatively abrupt and leads to new mean conditions outside the range of fluctuation evident in the previous state. Threshold-induced state shifts, or critical transitions, can result from ‘fold bifurcations’ and can show hysteresis¹². The net effect is that once a critical transition occurs, it is extremely difficult or even impossible for the system to return to its previous state. Critical transitions can also result from more complex bifurcations, which have a different character from fold bifurcations but which also lead to irreversible changes²⁰. Recent theoretical work suggests that state shifts due to fold bifurcations are probably preceded by general phenomena that can be characterized mathematically: a deceleration in recovery from perturbations (‘critical slowing down’), an increase in variance in the pattern of within-state fluctuations, an increase in autocorrelation between fluctuations, an increase in asymmetry of fluctuations and rapid back-and-forth shifts (‘flickering’) between states^{12, 14, 18}. These phenomena can theoretically be assessed within any temporally and spatially bounded system. Although such assessment is not yet straightforward^{12, 18, 20}, critical transitions and in some cases their warning signs have become evident in diverse biological investigations²¹, for example in assessing the dynamics of disease outbreaks^{22, 23}, populations¹⁴ and lake ecosystems^{12, 13}. Impending state shifts can also sometimes be determined by parameterizing relatively simple models^{20, 21}. In the context of forecasting biological change, the realization that critical transitions and state shifts can occur on the global scale^{3, 12, 15, 16, 17, 18}, as well as on smaller scales, is of great importance. One key question is how to recognize a global-scale state shift. Another is whether global-scale state shifts are the cumulative result of many smaller-scale events that originate in local systems or instead require global-level forcings that emerge on the planetary scale and then percolate downwards to cause changes in local systems. Examining past global-scale state shifts provides useful insights into both of these issues. Hallmarks of global-scale state shifts Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments Earth’s biosphere has undergone state shifts in the past, over various (usually very long) timescales, and therefore can do so in the future (Box 1). One of the fastest planetary state shifts, and the most recent, was the transition from the last glacial into the present interglacial condition^{12, 18}, which occurred over millennia²⁴. Glacial conditions had prevailed for ~100,000 yr. Then, within ~3,300 yr, punctuated by episodes of abrupt, decadal-scale climatic oscillations, full interglacial conditions were attained. Most of the biotic change—which included extinctions, altered diversity patterns and new community compositions—occurred within a period of 1,600 yr beginning ~12,900 yr ago. The ensuing interglacial state that

we live in now has prevailed for the past ~11,000 yr. Box 1: Past planetary-scale critical transitions and state shifts Full box **Occurring on longer timescales are events such**

as at least four of the ‘Big Five’ mass extinction^{s25}, each of which represents a critical transition that spanned several tens of thousands to 2,000,000 yr and changed the course of life’s evolution with respect to what had been normal for the previous tens of millions of years. Planetary state shifts can also substantially increase biodiversity, as occurred for example at the ‘Cambrian explosion’²⁶, but such transitions require tens of millions of years, timescales that are not meaningful for forecasting biological changes that may occur over the next few human generations (Box 1). Despite their different timescales, past critical transitions occur very quickly relative to their bracketing states: for the examples discussed here, the transitions took less than ~5% of the time the previous state had lasted (Box 1). The biotic hallmark for each state change was, during the critical transition, pronounced change in global, regional and local assemblages of species. Previously dominant species diminished or went extinct, new consumers became important both locally and globally, formerly rare organisms proliferated, food webs were modified, geographic ranges reconfigured and resulted in new biological communities, and evolution was initiated in new directions. For example, at the Cambrian explosion large, mobile predators became part of the food chain for the first time. Following the K/T extinction, mammalian herbivores replaced large archosaur herbivores. And at the last glacial–interglacial transition, megafaunal biomass

switched from being dominated by many species to being dominated by Homo sapiens and our domesticated species²⁷. **All of the global-scale state shifts noted above**

coincided with global-scale forcings that modified the atmosphere, oceans and climate (Box 1). These examples suggest that past **global-scale state shifts required global-scale forcings, which in turn initiated lower-level state changes that local controls do not override. Thus, critical aspects of biological forecasting are to understand whether present global forcings are of a magnitude sufficient to trigger a global-scale critical transition.** and to ascertain the extent of lower-level state changes that these global forcings have already caused or are likely to cause. Present global-scale forcings Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected

Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments **Global-scale forcing mechanisms today are human population growth with attendant resource consumption³, habitat transformation³ and fragmentation³, energy production and consumption^{28, 29}, and climate change^{3, 18}. All of these far exceed, in both rate and magnitude, the forcings evident at the most recent global-scale state shift, the last glacial–interglacial transition** (Box 1), which is a particularly relevant benchmark for comparison given that the two global-scale forcings at that time—climate change and human population growth^{27, 30}—are also primary forcings today. During the last glacial–interglacial transition, however, these were probably separate, yet coincidental, forcings. Today conditions are very different because global-scale forcings including (but not limited to) climate change have emerged as a direct result of human activities. **Human population growth and per-capita consumption rate underlie**

all of the other present drivers of global change. The growth in the human population now (~77,000,000 people per year) is three orders of magnitude higher than the average yearly growth from ~10,000–400 yr ago (~67,000 people per year), and the human population has nearly quadrupled just in the past century^{31, 32, 33}. The most conservative estimates suggest that the population will

grow from its present value, 7,000,000,000, to 9,000,000,000 by 2045³¹ and to 9,500,000,000 by 2050^{31, 33}. As a result of human activities, **direct local-scale forcings have accumulated to the extent that indirect, global-scale forcings of biological change have now emerged.** Direct

forcing includes the conversion of ~43% of Earth’s land to agricultural or urban landscapes, with much of the remaining natural landscapes networked with roads^{1, 2, 34, 35}. **This exceeds the physical**

transformation that occurred at the last global-scale critical transition, when ~30% of Earth’s surface went from being covered by glacial ice to being ice free. The indirect global-scale forcings that have emerged from human activities include drastic modification of how energy flows through the global ecosystem. An inordinate amount of energy now is routed through one species, Homo sapiens. Humans commandeer ~20–40% of global net primary productivity^{1, 2, 35} (NPP) and decrease overall NPP through habitat degradation. Increasing NPP regionally through atmospheric and agricultural deposition of nutrients (for example nitrogen and phosphorus) does not make up the shortfall². Second, through the release of energy formerly stored in fossil fuels, humans have substantially increased the energy ultimately available to power the global ecosystem. That addition does not offset entirely the human appropriation of NPP, because the vast majority of that ‘extra’ energy is used to support humans and their domesticates, the sum of which comprises large-animal biomass that is far beyond that typical of pre-industrial times²⁷. A decrease in this extra energy budget, which is inevitable if alternatives do not compensate for depleted fossil fuels, is likely to impact human health and economies severely²⁸,

and also to diminish biodiversity²⁷, the latter because even more NPP would have to be appropriated by humans, leaving less for other species³⁶. **By-products of altering the global energy budget are major modifications to the atmosphere and oceans.** Burning fossil fuels has increased atmospheric CO₂ concentrations by more than a third (~35%) with respect to pre-industrial levels, with consequent climatic disruptions that include a higher rate of global warming than occurred at the last global-scale state shift³⁷. Higher CO₂ concentrations have also caused the ocean rapidly to become more acidic, evident as a decrease in pH by ~0.05 in the past two decades³⁸. In addition, pollutants from agricultural run-off and urban areas have radically changed how nutrients cycle

through large swaths of marine areas¹⁶. Already observable biotic responses include vast ‘dead zones’ in the near-shore marine realm³⁹, as well as the replacement of >40% of Earth’s formerly biodiverse land areas with landscapes that contain only a few species of crop plants, domestic animals and humans^{3, 40}. Worldwide shifts in species ranges, phenology and abundances are concordant with ongoing climate change and habitat transformation⁴¹. Novel communities are becoming widespread as introduced, invasive and agricultural species integrate into many ecosystems⁴². Not all community modification is leading to species reductions; on local and regional scales, plant diversity has been increasing, owing to anthropogenic introductions⁴², counter to the overall trend of global species loss^{5, 43}. However, it is unknown whether increased diversity in such locales will persist or will eventually decrease as a result of species interactions that play out over time. Recent and projected^{5, 44} extinction rates of vertebrates far exceed empirically derived background rates²⁵. In addition, many plants, vertebrates and invertebrates have markedly reduced their geographic ranges and abundances to the extent that they are at risk of extinction⁴³.

Removal of keystone species worldwide, especially large predators at upper trophic levels, has exacerbated changes caused by less direct impacts, leading to increasingly simplified and less stable ecological networks^{39, 45, 46}. Looking towards the year 2100, models forecast that pressures on biota will continue to increase. The co-opting of resources and energy use by humans will continue to increase as the global population reaches 9,500,000,000 people (by 2050), and effects will be greatly exacerbated if per capita resource use also increases. Projections for 2100 range from a population low of 6,200,000,000 (requiring a substantial decline in fertility rates) to 10,100,000,000 (requiring continued decline of fertility in countries that still have fertility above replacement level) to 27,000,000,000 (if fertility remains at 2005–2010 levels; this population size is not thought to be supportable; ref. 31). Rapid climate change shows no signs of slowing. Modelling suggests that for ~30% of Earth, the speed at which plant species will have to migrate to keep pace with projected climate change is greater than their dispersal rate when Earth last shifted from a glacial to an interglacial climate⁴⁷, and that dispersal will be thwarted by highly fragmented landscapes. Climates found at present on 10–48% of the planet are projected to disappear within a century, and climates that contemporary organisms have never experienced are likely to cover 12–39% of Earth⁴⁸. The mean global temperature by 2070 (or possibly a few decades earlier) will be higher than it has been since the human species evolved. Expecting the unexpected Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings

Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments T the magnitudes of both local-scale direct forcing and emergent global-scale forcing are much greater than those that characterized the last global-scale state shift, and are not expected to decline any time soon. Therefore, the plausibility of a future planetary state shift seems high, even though considerable uncertainty remains about whether it is inevitable and, if so, how far in the future it may be. The clear potential for a planetary-scale state shift greatly complicates biotic forecasting efforts, because by their nature state shifts contain surprises. Nevertheless, some general expectations can be gleaned from the natural experiments provided by past global-scale state shifts. On the timescale most relevant to biological forecasting today, biotic effects observed in the shift from the last glacial to the present interglacial (Box 1) included many extinctions^{30, 49, 50, 51}; drastic changes in species distributions, abundances and diversity; and the emergence of novel communities^{49, 50, 52, 53, 54}. New patterns of gene flow triggered new evolutionary trajectories^{55, 56, 57, 58}, but the time since then has not been long enough for evolution to compensate for extinctions. At a minimum, these kinds of effects would be expected from a global-scale state shift forced by present drivers, not only in human-dominated regions but also in remote regions not now heavily occupied by humans (Fig. 1); indeed, such changes are already under way (see above^{5, 25, 39, 41, 42, 43, 44}). Given that it takes hundreds of thousands to millions of years for evolution to build diversity back up to pre-crash levels after major extinction episodes²⁵, increased rates of extinction are of particular concern, especially because global and regional diversity today is generally lower than it was 20,000 yr ago as a result of the last planetary state shift^{37, 50, 51, 54, 59}. This large-scale loss of diversity is not overridden by historical increases in plant species richness in many locales, owing to human-transported species homogenizing the world’s biota⁴².

Possible too are substantial losses of ecosystem services required to sustain the human population⁶⁰. Still unknown is the extent to which human-caused increases in certain ecosystem services—such as growing food—balances the loss of ‘natural’ ecosystem services, many of which already are trending in dangerous directions as a result of overuse, pollutants and climate change^{3, 16}. Examples include the collapse of cod and other fisheries^{45, 61, 62}; loss of millions of square kilometres of conifer forests due to climate-induced bark-beetle outbreaks⁶³; loss of carbon sequestration by forest clearing⁶⁰; and regional losses of agricultural productivity from desertification or detrimental land-use practices^{1, 35}. Although the ultimate effects of changing biodiversity and species compositions are still unknown, if critical thresholds of diminishing returns in ecosystem services were reached over large areas and at the same time global demands increased (as will happen if the population increases by 2,000,000,000 within about three decades), widespread social unrest, economic instability and loss of human life could result⁶⁴.

And, Whistleblowers are necessary to help *enforce* environmental laws – key to effective implementation and prevention of environmental collapse

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(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014–2015, Boston College Environmental Affairs Law Review, 40 B.C. Env’tl. Aff. L. Rev. 195, “Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet,” pg lexis//um-ef)

CONCLUSION The threats posed by climate change and environmental degradation are real and can only be overcome with high level cooperation amongst those governments, institutions, and individuals with the power to incite change. In this respect, the enforcement mechanism for environmental statutory laws must exhaust all possible options and resources to ensure that the rules and regulations to protect environmental standards are upheld. It is highly doubtful that this can be done relying solely on public resources. Instead, significant contributions from private parties—such as whistleblowers—are likely required to ensure the environmental legal system is working properly, and thus protecting human health and the environment.

Groupthink Advantage

Advantage ____ : Groupthink

First, the Insider Threat Program creates a form of groupthink within the intelligence apparatus – ensures future Iraq-style invasions

Maté, Goodman, and Landay JUNE 25, 2013

(AARON, , an independent journalist and as a researcher for the author and journalist Naomi Klein.. His writings have appeared in publications including the Toronto Star, the Globe and Mail, and the Guardian of London. B.A. in Communication Studies from Concordia University Nieman Foundation for Journalism at Harvard honored Goodman with the 2014 I.F. Stone Medal for Journalistic Independence Lifetime Achievement Award. She is also the first journalist to receive the Right Livelihood Award, widely known as the 'Alternative Nobel Prize' for the alternative voices that are often excluded by the mainstream media." She is the first co-recipient of the Park Center for Independent Media's Izzy Award, named for the great muckraking journalist I.F. Stone. Goodman has received the American Women in Radio and Television Gracie Award; the Paley Center for Media's She's Made It Award; and the Puffin/Nation Prize for Creative Citizenship.. She has also received awards from the Associated Press, United Press International, the Corporation for Public Broadcasting, and Project Censored. S "Insider Threat: Government Employees Urged to Tattle On Coworkers in Effort to Stop Classified Leaks," Democracy Now, JUNE 25, 2013, http://www.democracynow.org/2013/6/25/insider_threat_government_employees_urged_to, Accessed: July 8, 2015, YDEL)

AMY GOODMAN: Can you tell us who Ilana Greenstein is? JONATHAN LANDAY: Ilana Greenstein is a former CIA covert officer who believes that she was falsely accused of being a security risk. And even after going through the proper channels for reporting what she believed were violations of security and other matters while she was serving in Iraq, she even wrote to the then-director of the CIA, Michael Hayden. She went—she and her attorney wrote to the CIA inspector general. And instead, she felt that she was being retaliated against, and she resigned from the agency. AARON MATÉ: Jonathan, you write that this program could create a form of groupthink, a form of lack of creative thinking that helped lead to the invasion of Iraq? JONATHAN LANDAY: This was—this was Ilana's observation. This was a story that I covered quite intensely for quite a few years, disclosing a lot of the bogus intelligence that was used to justify the invasion, and her point being, we know that the Senate Intelligence Committee found—I believe it was the Intelligence Committee—found that there was this groupthink within the intelligence community behind the false assessment that Saddam Hussein had reactivated his weapons of mass destruction program. This is the kind of atmosphere that Ilana believes could be created because of the Insider Threat Program, where you have people who are afraid to think outside the box, afraid to challenge whatever the majority opinion is, because it could attract attention to them as being a potential insider threat. This is about profiling, I think, in the end, which we know is pretty problematic. I think one of the biggest problems here is that the government seems to always react in the wrong way and in an extreme—in an extreme way to this kind of thing, rather than trying to tackle the core of the problem, which is the enormous number of people, almost five million, who have clearances and access to classified material, and a lot of those people are contractors, as well as the problem—and this goes way back to the overclassification by the government of materials. And I think that one of the problems here is that the more there is a perception that the government is doing the wrong thing by cracking down on civil liberties and privacy and doing things like collecting the telephone data of millions of Americans, the greater the chances are going to be that you're going to have a leak, that there will always be someone who's going to feel that the government has crossed the lines when it comes to the Constitution and the law, and they're going to go leak, because they do not trust the prescribed channels within the government for being a whistleblower. We've seen what's happened to whistleblowers—Tom Drake, for instance, you've had him on this program—where they have used the—and Ilana Greenstein, who we talked to, who used the proper channels to try and report what they saw as being waste or fraud or abuse, and being retaliated against rather than having their concerns addressed.

That spills-over to all other government agencies – crushes free-thinking, and encourages a federal groupthink throughout the Obama administration

TAYLOR and LANDAY, JUNE 20, 2013

(MARISA, Investigative Reporter, McClatchy Washington Bureau, Jonathan, @McClatchyDC National Security Correspondent, June 20, 2013, “Obama’s crackdown views leaks as aiding enemies of U.S.,” [mcclatchydc, http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html](http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html), Accessed: July 7, 2015, YDEL)

Even before a former U.S. intelligence contractor exposed the secret collection of Americans’ phone records, the Obama administration was pressing a government-wide crackdown on security threats that requires federal employees to keep closer tabs on their co-workers and exhorts managers to punish those who fail to report their suspicions.¶ President Barack Obama’s unprecedented initiative, known as the Insider Threat Program, is sweeping in its reach. It has received scant public attention even though it extends beyond the U.S. national security bureaucracies to most federal departments and agencies nationwide, including the Peace Corps, the Social Security Administration and the Education and Agriculture departments. It emphasizes leaks of classified material, but catchall definitions of “insider threat” give agencies latitude to pursue and penalize a range of other conduct.¶ Government documents reviewed by McClatchy illustrate how some agencies are using that latitude to pursue unauthorized disclosures of any information, not just classified material. They also show how millions of federal employees and contractors must watch for “high-risk persons or behaviors” among co-workers and could face penalties, including criminal charges, for failing to report them. Leaks to the media are equated with espionage.¶ “Hammer this fact home . . . leaking is tantamount to aiding the enemies of the United States,” says a June 1, 2012, Defense Department strategy for the program that was obtained by McClatchy.¶ The Obama administration is expected to hasten the program’s implementation as the government grapples with the fallout from the leaks of top secret documents by Edward Snowden, the former National Security Agency contractor who revealed the agency’s secret telephone data collection program. The case is only the latest in a series of what the government condemns as betrayals by “trusted insiders” who have harmed national security.¶ “Leaks related to national security can put people at risk,” Obama said on May 16 in defending criminal investigations into leaks. “They can put men and women in uniform that I’ve sent into the battlefield at risk. They can put some of our intelligence officers, who are in various, dangerous situations that are easily compromised, at risk. . . . So I make no apologies, and I don’t think the American people would expect me as commander in chief not to be concerned about information that might compromise their missions or might get them killed.”¶ As part of the initiative, Obama ordered greater protection for whistleblowers who use the proper internal channels to report official waste, fraud and abuse, but that’s hardly comforting to some national security experts and current and former U.S. officials. They worry that the Insider Threat Program won’t just discourage whistleblowing but will have other grave consequences for the public’s right to know and national security.¶ The program could make it easier for the government to stifle the flow of unclassified and potentially vital information to the public, while creating toxic work environments poisoned by unfounded suspicions and spurious investigations of loyal Americans, according to these current and former officials and experts. Some non-intelligence agencies already are urging employees to watch their co-workers for “indicators” that include stress, divorce and financial problems.¶ “It was just a matter of time before the Department of Agriculture or the FDA (Food and Drug Administration) started implementing, ‘Hey, let’s get people to snitch on their friends.’ The only thing they haven’t done here is reward it,” said Kel McClanahan, a Washington lawyer who specializes in national security law. “I’m waiting for the time when you turn in a friend and you get a \$50 reward.”¶ The Defense Department anti-leak strategy obtained by McClatchy spells out a zero-tolerance policy. Security managers, it says, “must” reprimand or revoke the security clearances – a career-killing penalty – of workers who commit a single severe infraction or multiple lesser breaches “as an unavoidable negative personnel action.”¶ Employees must turn themselves and others in for failing to report breaches. “Penalize clearly identifiable failures to report security infractions and violations, including any lack of self-reporting,” the strategic plan says.¶ The Obama administration already was pursuing an unprecedented number of leak prosecutions, and some in Congress – long one of the most prolific spillers of secrets – favor tightening restrictions on reporters’ access to federal agencies, making many U.S. officials reluctant to even disclose unclassified matters to the public.¶ The policy, which partly relies on behavior profiles, also could discourage creative thinking and fuel conformist “group think” of the kind that was blamed for the CIA’s erroneous assessment that Iraq was hiding weapons of mass destruction, a judgment that underpinned the 2003 U.S. invasion.¶ “The real danger is that you get a bland common denominator working in the government,” warned Ilana Greenstein, a former CIA case officer who says she quit the agency after being falsely accused of being a security risk. “You don’t get people speaking up when there’s wrongdoing. You don’t get people who look at things in a different way and who are willing to stand up for things. What you get are people who toe the party line, and that’s really dangerous for national security.”¶ Obama launched the Insider Threat Program in October 2011 after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and sent them to WikiLeaks, the anti-government secrecy group. It also followed the 2009 killing of 13 people at Fort Hood, Texas, by Army Maj. Nidal Hasan, an attack that federal authorities failed to prevent even though they were monitoring his emails to an al Qaeda-linked Islamic cleric.¶ An internal review launched after Manning’s leaks found “wide disparities” in the abilities of U.S. intelligence agencies to detect security risks and determined that all needed improved defenses.¶ Obama’s executive order formalizes broad practices that the intelligence agencies have followed for years to detect security threats and extends them to agencies that aren’t involved in national security policy but can access classified networks. Across the government, new policies are being developed.¶ There are, however, signs of problems with the program. Even though it severely restricts the use of removable storage devices on

classified networks, Snowden, the former NSA contractor who revealed the agency's telephone data collection operations, used a thumb drive to acquire the documents he leaked to two newspapers.¶ "Nothing that's been done in the past two years stopped Snowden, and so that fact alone casts a shadow over this whole endeavor," said Steven Aftergood, director of the non-profit Federation of American Scientists' Project on Government Secrecy. "Whatever they've done is apparently inadequate."¶ U.S. history is replete with cases in which federal agencies missed signs that trusted officials and military officers were stealing secrets. The CIA, for example, failed for some time to uncover Aldrich Ames, a senior officer who was one of the most prolific Soviet spies in U.S. history, despite polygraphs, drunkenness, and sudden and unexplained wealth.¶ Stopping a spy or a leaker has become even more difficult as the government continues to accumulate information in vast computer databases and has increased the number of people granted access to classified material to nearly 5 million.¶ Administration officials say the program could help ensure that agencies catch a wide array of threats, especially if employees are properly trained in recognizing behavior that identifies potential security risks.¶ "If this is done correctly, an organization can get to a person who is having personal issues or problems that if not addressed by a variety of social means may lead that individual to violence, theft or espionage before it even gets to that point," said a senior Pentagon official, who requested anonymity because he wasn't authorized to discuss the issue publicly.¶ Manning, for instance, reportedly was reprimanded for posting YouTube messages describing the interior of a classified intelligence facility where he worked. He also exhibited behavior that could have forewarned his superiors that he posed a security risk, officials said.¶ Jonathan Pollard, a former U.S. Navy intelligence analyst sentenced in 1987 to life in prison for spying for Israel, wasn't investigated even though he'd failed polygraph tests and lied to his supervisors. He was caught only after a co-worker saw him leave a top-secret facility with classified documents.¶ "If the folks who are watching within an organization for that insider threat – the lawyers, security officials and psychologists – can figure out that an individual is having money problems or decreased work performance and that person may be starting to come into the window of being an insider threat, superiors can then approach them and try to remove that stress before they become a threat to the organization," the Pentagon official said.¶ The program, however, gives agencies such wide latitude in crafting their responses to insider threats that someone deemed a risk in one agency could be characterized as harmless in another. Even inside an agency, one manager's disgruntled employee might become another's threat to national security.¶ Obama in November approved "minimum standards" giving departments and agencies considerable leeway in developing their insider threat programs, leading to a potential hodgepodge of interpretations. He instructed them to not only root out leakers but people who might be prone to "violent acts against the government or the nation" and "potential espionage."

And, a failure to protect whistleblowers and provide congressional oversight results in a rogue Executive that collapses effective foreign policy

Dr. Goodman 13

(Melvin, PhD, former CIA Analyst, adjunct professor at Johns Hopkins University, former professor of international relations at the National War College, senior fellow at the Center for International Policy, "The Need for National Security Leaks," pg online @ <https://consortiumnews.com/2013/06/19/the-need-for-national-security-leaks/> //um-ef)

The attack line against whistleblowers Bradley Manning and Edward Snowden – that they should have gone through "proper channels" – ignores that those oversight channels have been **badly corrupted** over the past several decades. That has left Americans dependent on out-of-channel leaks, says ex-CIA analyst Melvin A. Goodman. **A major problem** in the United States **is not there are too many whistleblowers ... there are too few**. Where were the whistleblowers when the Central Intelligence Agency was operating secret prisons; conducting torture and abuse; and kidnapping individuals off the streets in Europe and the Middle East and turning them over to foreign intelligence agencies that conducted torture and abuse? Where were the whistleblowers when the National Security Agency violated the Fourth Amendment of the Constitution against "unreasonable searches and seizures" and conducted widespread warrantless eavesdropping? Where were the whistleblowers when the State Department permitted the use of a consulate to serve as a cover for an inadequately protected intelligence platform in Benghazi? Where were the whistleblowers when the Pentagon was building secret facilities in North Africa and the Arabian Peninsula in order to conduct military strikes in countries where the United States was not at war? President Barack Obama, a Harvard-trained lawyer and former professor of constitutional law, **has made it particularly difficult for whistleblowers and has displayed a stunning disregard for the balance of power and the need for oversight of foreign policy decision-making. He has pursued more leak investigations than all previous presidents combined since** the passage of the Espionage Act in **1919**. Several press disclosures have been referred to the Justice Department for investigation, and in May 2013 the department subpoenaed two months of records for 20 telephone lines used by Associated Post reporters and editors. This was the most aggressive federal seizure of media records since the Nixon administration. Attorney General Eric Holder even departed from First Amendment norms by approving an affidavit for a search warrant that named a Fox News reporter as a possible co-conspirator in violations of the Espionage Act, because the reporter might have received classified information while doing his job. President Obama has also inexplicably contributed to the need for whistleblowers by **weakening the traditional institutions for oversight in the national security process**, the Office of the Inspector General. Inspectors General are not popular institutions within the federal government, but they are essential for keeping the government honest by unearthing fraud, abuse and other illegal activities. The Obama administration from the outset focused on weakening the OIG at the CIA by taking more than a year and a half to replace an outstanding IG, John Helgerson, whose staff had exposed the improprieties linked to extraordinary renditions as well as torture and abuse. The most outrageous pursuit of a whistleblower was conducted against Thomas Drake, who determined that NSA eavesdroppers were squandering hundreds of millions of dollars on failed programs

while ignoring privacy issues. Drake took his issues to the IG at NSA, the IG at the Pentagon, and to the congressional intelligence committees. (I am aware of individuals who have contacted congressional staffers with issues that required congressional scrutiny, but were warned that they would not receive a friendly reception from key members of the committee.) After failing in these efforts, Drake turned to a reporter from the Baltimore Sun. As a result, Drake faced ten felony charges involving mishandling of classified information and obstruction of justice, which a judge wisely dismissed. The case of Bradley Manning also demonstrates the mindset of the Obama administration and the mainstream media. Although Manning has entered a plea of guilty to charges that would give him a 20-year prison sentence, the government is pursuing a charge of aiding the enemy, which would mean a life sentence. The government has also ignored the Sixth Amendment's guarantee of a "speedy and public trial," with Manning's trial beginning on June 3, nearly three years after his arrest. The military handling of Manning, particularly its imposition of unconscionable solitary confinement, has amounted to abuse and is in violation of the Eighth Amendment's prohibition of "cruel and unusual punishment." The scant coverage of the trial in the press is another example of the marginalization of a whistleblower. The absence of checks and balances in the national security system over the past ten years has virtually assured the abuse of power that has taken place. In general, Congress has acquiesced in the questionable actions of both the Bush and Obama administrations since 2001, permitting foreign policy to be the sole preserve of the Executive Branch and not the shared responsibility of the President and the Congress. Congressional intelligence committees have become advocates for the intelligence community, particularly the CIA, instead of rigorous watchdogs. Similarly, the Armed Services committees have been advocates for the Pentagon and have not monitored the abuses of weapon's acquisitions programs. Since the Vietnam War, we have observed a system of judicial tolerance, with the Supreme Court only intervening on foreign policy matters to endorse the policies and powers of the President. This deferential attitude toward the White House has resulted in an absence of judicial scrutiny of illegalities, including warrantless eavesdropping and the destruction of the torture tapes at the CIA that documented torture going beyond methods authorized by the Justice Department. Ironically, the destroyer of the 92 videotapes of interrogations, Jose Rodriguez, who ignored a White House order not to destroy the tapes and should have faced at least obstruction of justice charges, has published a book sanctioned by the CIA that maligns the OIG for a "holier-than-thou attitude and the prosecutorial ways they routinely treated fellow CIA employees." In addition to the failure of Congress and the courts to provide necessary regulation and oversight of the national security process, the mainstream media has been complacent about its watchdog role regarding secret agencies in a democratic arena. The media require the efforts of contrarians and whistleblowers in order to penetrate the secrecy of the policy and intelligence communities, but typically ignore the reprisals taken against whistleblowers. Often, they disdain the information provided by whistleblowers that is critical of senior officials and government agencies – preferring to protect their access to these officials. David Ignatius of the Washington Post falsely claimed that journalists "instinctively side with leakers," but he was quick to ridicule Edward Snowden who has exposed NSA's spying on millions of Americans' phone records and the Internet activity of hundreds of millions of foreigners. Ignatius, moreover, has been an apologist for the CIA and has relied on clandestine operatives to present a one-sided picture of the CIA's National Clandestine Service. His novel (Agents of Innocence) provided a laudatory account of CIA tradecraft, relying on sensitive leaks from a senior operations officer. My own experience with the mainstream media as a whistleblower is revelatory. During my congressional testimony in 1991 against the nomination of Robert M. Gates as director of CIA, I provided background information to Elaine Sciolino of the New York Times in order to counter malicious rumors emanating from the White House that was designed to compromise my credibility. Sciolino initially reported this information accurately, but then tilted to support Gates's confirmation. In a conversation several weeks after the confirmation hearings, Sciolino explained that it was becoming obvious that Gates would be confirmed and would be an important source to her as a CIA director. She added that, as I would return to the National War College as a professor of international relations, I would be of little further use. Sciolino noted that whistleblowers make good sources only in the short run, while journalists must rely on policymakers for long-term access and should not gratuitously offend them. This explains the conventional analysis offered by the press corps and its reluctance to challenge official sources. As a result of the imbalance in the process of foreign policy decision-making, we have come full circle from President Woodrow Wilson, who wanted to make the "world safe for democracy," to Presidents George W. Bush and Obama, who find the world too dangerous to honoring constitutional democracy. The excesses of the Vietnam War; Watergate; Iran-Contra; and the Global War on Terror have contributed to the creation of a dangerous national security state and a culture of secrecy. Whistleblowers can help all of us decide whether the ends justify the means regarding these excesses. Meanwhile, secrecy itself has fostered dangerous ignorance in the United States. The overuse of secrecy limits necessary debate and dialogue on foreign policy and deprives citizens of information on which to make policy and political judgments. Only a counter-culture of openness and a respect for the balance of power in the conduct of foreign policy can reverse the damage of the past decade. As long as Congress defers to the President in the conduct of foreign policy; the courts intervene to prevent any challenge to the power of the President in the making of foreign policy; and the media defer to authorized sources, we will need courageous whistleblowers.

And, Groupthink will manifest itself in a U.S.-Russian War. A lack of original thought and skepticism makes another Iraq inevitable.

Parry 15

(Robert "Enforcing the Ukraine 'Group Think'" *Consortiumnews.com*, May 9, 2015, pg online @ <https://consortiumnews.com/2015/05/09/enforcing-the-ukraine-group-think/>)

So, as the United States rushes into a new Cold War with Russia, we are seeing the makings of a new McCarthyism, challenging the patriotism of anyone who doesn't get in line. But this conformity presents a serious threat to U.S. national security and even the future of the planet. We saw a similar pattern with the rush to war in Iraq, but a military clash with nuclear-armed Russia is a crisis of a much greater magnitude. One of Professor Cohen's key points has been that Official Washington's "group think" about post-Soviet Russia has been misguided from the start, laying the groundwork for today's confrontation. In Cohen's view, to understand why Russians are so alarmed by U.S. and NATO meddling in Ukraine, you have to go back to those days after the Soviet Union collapsed in 1991. Instead of working with the Russians to transition carefully from a communist system to a pluralistic, capitalist one, the U.S. prescription was "shock therapy." As American "free market" experts descended on Moscow during the pliant regime of Boris Yeltsin, well-connected Russian thieves and their U.S. compatriots plundered the country's wealth, creating a handful of billionaire "oligarchs" and leaving millions upon millions of Russians in a state of near starvation, with a collapse in life expectancy rarely seen in a country not at war. Yet, despite the desperation of the masses, American journalists and pundits hailed the "democratic reform" underway in Russia with glowing accounts of how glittering life could be in the shiny new hotels, restaurants and bars of Moscow. Complaints about the suffering of average Russians were dismissed as the grumbings of losers who failed to appreciate the economic wonders that lay ahead. As recounted in his 2001 book, Failed Crusade, Cohen correctly describes this fantastical reporting as journalistic "malpractice" that left the American people misinformed about the on-the-ground reality in Russia. The widespread suffering led Putin, who succeeded Yeltsin, to pull back on the wholesale privatization, to punish some oligarchs and to restore some of the social safety net. Though the U.S. mainstream media portrays Putin as essentially a tyrant, his elections and approval numbers indicate that he commands broad popular support, in part, because he stood up to some oligarchs (though he still worked with others). Yet, Official Washington continues to portray oligarchs whom Putin jailed as innocent victims of a tyrant's revenge. After Putin pardoned jailed oligarch Mikhail Khodorkovsky, the neocon Freedom House sponsored a Washington dinner in Khodorkovsky's honor, hailing him as one of Russia's political heroes. "I have to say I'm impressed by him," declared Freedom House President David Kramer. "But he's still figuring out how he can make a difference." New York Times writer Peter Baker fairly swooned at Khodorkovsky's presence. "If anything, he seemed stronger and deeper than before" prison, Baker wrote. "The notion of prison as cleansing the soul and ennobling the spirit is a powerful motif in Russian literature." Yet, even Khodorkovsky, who is now in his early 50s, acknowledged that he "grew up in Russia's emerging Wild West capitalism to take advantage of what he now says was a corrupt privatization system," Baker reported. In other words, Khodorkovsky was admitting that he obtained his vast wealth through a corrupt process, though by referring to it as the "Wild West" Baker made the adventure seem quite dashing and even admirable when, in reality, Khodorkovsky was a key figure in the plunder of Russia that impoverished millions of his countrymen and sent many to early graves. In the 1990s, Professor Cohen was one of the few scholars with the courage to challenge the prevailing boosterism for Russia's "shock therapy." He noted even then the danger of mistaken "conventional wisdom" and how it strangles original thought and necessary skepticism. "Much as Russia scholars prefer consensus, even orthodoxy, to dissent, most journalists, one of them tells us, are 'devoted to group-think' and 'see the world through a set of standard templates,'" wrote Cohen. "For them to break with 'standard templates' requires not only introspection but retrospection, which also is not a characteristic of either profession."

And, a lack of rational voices and protests in the U.S. government is the trigger – groupthink will cause the U.S. to push Putin beyond his red-lines – invites unnecessary conflict that destroys the planet

Parry, 2015

(Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995, February 6, 2015, "Nuclear War and Clashing Ukraine Narratives," Consortium News, <https://consortiumnews.com/2015/02/06/nuclear-war-and-clashing-ukraine-narratives/>, Accessed: July 13, 2015, YDEL)

Exclusive: America and Russia have two nearly opposite narratives on Ukraine, which is more an indictment of the U.S. news media which feigns objectivity but disseminates what amounts to propaganda. These divergent narratives are driving the world toward a possible nuclear crisis,

writes Robert Parry.¶ By Robert Parry¶ The U.S. government and mainstream media are swaggering toward a possible nuclear confrontation with Russia over Ukraine without any of the seriousness that has informed this sort of decision-making throughout the nuclear age. Instead, Official Washington seems possessed by a self-righteous goofiness that could be the prelude to the end of life on this planet.¶ Nearly across the U.S. political spectrum, there is a pugnacious “group think” which has transformed what should have been a manageable political dispute in Ukraine into some morality play where U.S. politicians and pundits blather on about how the nearly year-old coup regime in Kiev “shares our values” and how America must be prepared to defend this regime militarily.¶ Though I’m told that President Barack Obama personally recognizes how foolhardy this attitude is, he has made no significant move to head off the craziness and, indeed, has tolerated provocative actions by his underlings, such as neocon Assistant Secretary of State Victoria Nuland’s scheming with coup plotters to overthrow Ukraine’s elected President Viktor Yanukovich last February.¶ Obama also has withheld from the American people intelligence information that undercuts some of the more extreme claims that his administration has made. For instance, I’m told that he has detailed intelligence reporting on both the mysterious sniper attack that preceded the putsch nearly a year ago and the shoot-down of the Malaysia Airlines Flights 17 that deepened the crisis last summer. But he won’t release the findings.¶ More broadly over the last year, Obama’s behavior – ranging from his initial neglect of the Ukraine issue, as Nuland’s coup plotting unfolded, to his own participation in the tough talk, such as boasting during his State of the Union address that he had helped put the Russian economy “in tatters” – ranks as one of the most irresponsible performances by a U.S. president.¶ Given the potential stakes of nuclear war, none of the post-World War II presidents behaved as recklessly as Obama has, which now includes allowing his administration officials to talk loosely about sending military support to an unstable regime in Kiev that includes neo-Nazis who have undertaken death-squad operations against ethnic Russians in eastern Ukraine.¶ U.S. Gen. Philip Breedlove, who is commander of NATO, declared last November that – regarding supplying military support for the Kiev government – “nothing at this time is off the table.” Breedlove is now pushing actively to send lethal U.S. military equipment to fend off an offensive by ethnic Russian rebels in the east.¶ I’m told that the Russians fear that U.S. officials are contemplating placing Cruise missiles in Ukraine or otherwise introducing advanced weaponry that Moscow regards as a direct threat to its national security. Whether or not the Russians are being alarmist, these fears are affecting their own decision-making.¶ None of the nuclear-age presidents – not Harry Truman, Dwight Eisenhower, John F. Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton or even George W. Bush – would have engaged in such provocative actions on Russia’s borders, though some surely behaved aggressively in overthrowing governments and starting wars farther away.¶ Even Ronald Reagan, an aggressive Cold Warrior, kept his challenges to the Soviet Union in areas that were far less sensitive to its national security than Ukraine. He may have supported the slaughter of leftists in Central America and Africa or armed Islamic fundamentalists fighting a Soviet-backed government in Afghanistan, but he recognized the insanity of a military showdown with Moscow in Eastern Europe.¶ After the Soviet Union’s collapse in 1991, U.S. presidents became more assertive, pushing NATO into the former Warsaw Pact nations and, under President Clinton, bombing a Russian ally in Serbia, but that came at a time when Russia was essentially flat on its back geopolitically.¶ Perhaps the triumphalism of that period is still alive especially among neocons who reject President Vladimir Putin’s reassertion of Russia’s national pride. These Washington hardliners still feel that they can treat Moscow with disdain, ignoring the fact that Russia maintains a formidable nuclear arsenal and is not willing to return to the supine position of the 1990s.¶ In 2008, President George W. Bush – arguably one of the most reckless presidents of the era – backed away from a confrontation with Russia when Georgian President Mikheil Saakashvili, a neocon favorite, drew the Russians into a border conflict over South Ossetia. Despite some war talk from the likes of Vice President Dick Cheney and Sen. John McCain, President Bush showed relative restraint.¶ Imbalanced Narrative¶ Obama has failed to rein in his administration’s war hawks and has done nothing to correct the biased narrative that his State Department has fed to the equally irresponsible mainstream U.S. news media. Since the Ukraine crisis began in fall of 2013, the New York Times and other major U.S. news outlets have provided only one side of the story, openly supporting the interests of the pro-European western Ukrainians over the ethnic Russian eastern Ukrainians.¶ The bias is so strong that the mainstream media has largely ignored the remarkable story of the Kiev regime willfully dispatching Nazi storm troopers to kill ethnic Russians in the east, something that hasn’t happened in Europe since World War II.¶ For Western news organizations that are quick to note the slightest uptick in neo-Nazism in Europe, there has been a willful blindness to Kiev’s premeditated use of what amount to Nazi death squads undertaking house-to-house killings in eastern Ukraine. [See Consortiumnews.com’s “Seeing No Neo-Nazi Militias in Ukraine.”]¶ The Russian government has repeatedly protested these death-squad operations and other crimes committed by the Kiev regime, but the U.S. mainstream media is so in the tank for the western Ukrainians that it has suppressed this aspect of the crisis, typically burying references to the neo-Nazi militias at the end of stories or dismissing these accounts as “Russian propaganda.”¶

With this ugly reality hidden from the U.S. public, Obama's State Department has been able to present a white-hat-vs.-black-hat narrative to the crisis. So, while Russians saw a constitutionally elected government on their border overthrown by a U.S.-backed coup last February – and then human rights atrocities inflicted on ethnic Russians in eastern Ukraine – the American people heard only about wonderful pro-American “reformers” in Kiev and the evil pro-Russian “minions” trying to destroy “democracy” at Putin's bidding.¶ This distorted American narrative has represented one of the most unprofessional and dangerous performances in the history of modern U.S. journalism, rivaling the false conventional wisdom about Iraq's WMD except in this case the media propaganda is aimed at a country in Russia that really does have weapons of mass destruction.¶ The Russians also have noted the arrival of financially self-interested Americans, including Vice President Joe Biden's son Hunter Biden and Ukraine's new Finance Minister Natalie Jaresko, reminding the Russians of the American financial experts who descended on Moscow with their “shock therapy” in the 1990s, “reforms” that enriched a few well-connected oligarchs but impoverished millions of average Russians.¶ Jaresko, a former U.S. diplomat who took Ukrainian citizenship in December 2014 to become Finance Minister, had been in charge of a U.S.-taxpayer-financed \$150 million Ukrainian investment fund which involved substantial insider dealings, including paying a management firm that Jaresko created more than \$1 million a year in fees, even as the \$150 million apparently dwindled to less than \$100 million.¶ Jaresko also has been involved in a two-year-long legal battle with her ex-husband to gag him from releasing information about apparent irregularities in the handling of the U.S. money. Jaresko went into Chancery Court in Delaware to enforce a non-disclosure clause against her ex-husband, Ihor Figlus, and got a court order to silence him.¶ This week, when I contacted George Pazuniak, Figlus's lawyer about Jaresko's aggressive enforcement of the non-disclosure agreement, he told me that “at this point, it's very difficult for me to say very much without having a detrimental effect on my client.”¶ With Jaresko now being hailed as a Ukrainian “reformer” who – in the words of New York Times' columnist Thomas L. Friedman – “shares our values,” one has to wonder why she has fought so hard to shut up her ex-husband regarding possible revelations about improper handling of U.S. taxpayer money. [See Consortiumnews.com's “Ukraine's Made-in-USA Finance Minister.”]¶ More Interested Parties¶ The Russians also looked askance at the appointment of Estonian Jaanika Merilo as the latest foreigner to be brought inside the Ukrainian government as a “reformer.” Merilo, a Jaresko associate, is being put in charge of attracting foreign investments but her photo spreads look more like someone interested in some rather kinky partying.¶ The Russians are aware, too, of prominent Americans circling around the potential plunder of Ukraine. For instance, Hunter Biden was named to the board of directors of Burisma Holdings, Ukraine's largest private gas firm. Burisma is also a shadowy Cyprus-based company linked to Privat Bank.¶ Privat Bank is controlled by the thuggish billionaire oligarch Ihor Kolomoysky, who was appointed by the Kiev regime to be governor of Dnipropetrovsk Oblast, a south-central province of Ukraine. Kolomoysky has helped finance the paramilitary forces killing ethnic Russians in eastern Ukraine.¶ And, Burisma has been lining up well-connected lobbyists, some with ties to Secretary of State John Kerry, including Kerry's former Senate chief of staff David Leiter, according to lobbying disclosures. As Time magazine reported, “Leiter's involvement in the firm rounds out a power-packed team of politically-connected Americans that also includes a second new board member, Devon Archer, a Democratic bundler and former adviser to John Kerry's 2004 presidential campaign. Both Archer and Hunter Biden have worked as business partners with Kerry's son-in-law, Christopher Heinz, the founding partner of Rosemont Capital, a private-equity company.” [See Consortiumnews.com's “The Whys Behind the Ukraine Crisis.”]¶ So, the Russians have a decidedly different view of the Ukrainian “reforms” than much of the U.S. media does. But I'm told that the Russians would be willing to tolerate these well-connected Americans enriching themselves in Ukraine and even having Ukraine expand its economic relations with the European Union.¶ But the Russians have drawn a red line at the prospect for the expansion of NATO forces into Ukraine and the continued killing of ethnic Russians at the hands of neo-Nazi death squads. Putin is demanding that those paramilitary forces be disarmed.¶ Besides unleashing these right-wing militias on the ethnic Russians, the Kiev government has moved to punish the people living in the eastern sectors by cutting off access to banks and other financial services. It also has become harder and more dangerous for ethnic Russians to cross into territory controlled by the Kiev authorities. Many are turned back and those who do get through face the risk of being taken and killed by the neo-Nazi militias.¶ These conditions have left the people in the Donetsk and Luhansk areas – the so-called Donbass region on Russia's border – dependent on relief supplies from Russia. Meanwhile, the Kiev regime – pumped up by prospects of weapons from Washington as well as more money – has toughened its tone with vows to crush the eastern rebellion once and for all.¶ Russia's Hardening Line¶ The worsening situation in the east and the fear of U.S. military weapons arriving in the west have prompted a shift in Moscow's view of the Ukraine crisis, including a readiness to resupply the ethnic Russian forces in eastern Ukraine and even provide military advisers.¶ These developments have alarmed European leaders who find themselves caught in the middle of a possible conflict between the United States and Russia. German Chancellor Angela Merkel and French President Francois Hollande rushed to Kiev and then Moscow this week to discuss possible ways to defuse the crisis.¶ The hardening Russian position now seeks, in effect, a division of Ukraine into two autonomous zones, the east and the west with a central government that maintains the currency and handles other national concerns. But I'm told that Moscow might still accept the earlier idea of a federated Ukraine with greater self-governance by the different regions.¶ Putin also does not object to Ukraine building closer economic ties to Europe and he offered a new referendum in Crimea on whether the voters still want to secede from Ukraine and join Russia, said a source familiar with the Kremlin's thinking. But Putin's red lines include no NATO expansion into Ukraine and protection

for ethnic Russians by disarming the neo-Nazi militias, the source said.¶ If such an arrangement or something similar isn't acceptable and if the killing of ethnic Russians continues, the Kremlin would support a large-scale military offensive from the east that would involve "taking Kiev," according to the source.¶ **A Russian escalation of that magnitude would likely invite a vigorous U.S. response, with leading American politicians and pundits sure to ratchet up demands for a military counterstrike against Russia.** If Obama were to acquiesce to such bellicosity – to avoid being called "weak" – **the world could be pushed to the brink of nuclear war.**¶ Who's to Blame?¶ Though the State Department and the mainstream U.S. media continue to put all the blame on Russia, **the fact that the Ukraine crisis has reach such a dangerous crossroads reveals how reckless the behavior of official Washington has been over the past year.**¶ Nuland and other **U.S. officials took an internal Ukrainian disagreement over how quickly it should expand ties to Europe** – while seeking to retain its historic relations with Russia – **and turned that fairly pedestrian political dispute into a possible flashpoint for a nuclear war.**¶ At no time, as this crisis has evolved over the past year, did anyone of significance in Official Washington, whether in government or media, stop and contemplate whether this issue was worth risking the end of life on the planet. Instead, all the American people have been given is a steady diet of anti-Yanukovich and anti-Putin propaganda.¶ Though constitutionally elected, Yanukovich was depicted as a corrupt tyrant who had a pricy sauna in his official mansion. **Though Putin had just staged the Winter Olympics in Sochi, signaling his desire for Russia to integrate more with the West, he was portrayed as either a new-age imperial czar or the second coming of Hitler** – if not worse because he occasionally would ride on a horse while not wearing a shirt.¶ Further, the U.S. news media refused to conduct a serious investigation into the evidence that Nuland and other **U.S. officials had helped destabilize Yanukovich's government with the goal of achieving another neocon "regime change."**¶ Nuland, who personally urged on anti-Yanukovich protests in Kiev, discussed with U.S. Ambassador to Ukraine Geoffrey Pyatt in early February 2014 who should lead the new government – "Yats is the guy," she said, referring to Arseniy Yatsenyuk – and how to "glue this thing."¶ After weeks of mounting tensions and worsening violence, the coup occurred on Feb. 22, 2014, when well-organized neo-Nazi and other right-wing militias from western Ukraine overran presidential buildings forcing officials to flee for their lives. With Yanukovich ousted, Yatsenyuk soon became Prime Minister. [See Consortiumnews.com's "When Is a Putsch a Putsch."]¶ Many ethnic Russians in southern and eastern Ukraine, who had strongly supported Yanukovich, refused to accept the new U.S.-backed order in Kiev. Crimean officials and voters moved to secede from Ukraine and rejoin Russia, a move that Putin accepted because of Crimea's historic ties to Russia and his fear that the Russian naval base at Sevastopol might be handed to NATO.¶ The resistance spread to eastern Ukraine where other ethnic Russians took up arms against the coup regime in Kiev, which responded with that it called an "anti-terrorist operation" against the east. To bolster the weak Ukrainian army, Internal Affairs Minister Arsen Avakov dispatched neo-Nazi and other "volunteer" militias to spearhead the attacks.¶ After the deaths of more than 5,000 people, a shaky cease-fire was announced in September, but — amid complaints about neo-Nazi death squads operating in government-controlled areas and with life deteriorating in rebel-controlled towns and cities — the ethnic Russians launched an offensive in January, using Russian-supplied weapons to expand their control of territory.¶ **In reaction, U.S. pundits, including columnists and editors of the New York Times and the Washington Post, called for dispatching U.S. aid to the Kiev forces, including proposals for lethal weaponry to deter Putin's "aggression."** Members of Congress and **members of the Obama administration have joined the chorus.**¶ On Feb. 2, the New York Times reported "With Russian-backed separatists pressing their attacks in Ukraine, NATO's military commander, Gen. Philip M. Breedlove, now supports providing defensive weapons and equipment to Kiev's beleaguered forces, and an array of administration and military officials appear to be edging toward that position, American officials said. ... President Obama has made no decisions on providing such lethal assistance."¶ That same day, the lead Times editorial was entitled "Mr. Putin Resumes His War" and continued with the theme about "Russian aggression" and the need "to increase the cost" if Russia demands "a permanent rebel-held enclave."¶ On Feb. 3, the Washington Post ran an editorial entitled "Help for Ukraine. Defensive weapons could deter Russia in a way sanctions won't." The editorial concluded that Putin "will stop only if the cost to his regime is sharply raised – and quickly."¶ **A new war fever gripped Washington and no one wanted to be viewed as "soft" or to be denounced as a "Putin apologist." Amid this combination of propaganda, confusion and tough-guy-ism – and lacking the tempering wisdom about war and nuclear weapons that restrained earlier U.S. presidents – a momentum lurched toward a nuclear showdown over Ukraine that could put all life on earth in jeopardy.**

And, increased secrecy and lack of Executive transparency and accountability makes the risk of nuclear conflict high – prefer our qualified scholars – group think results in disaster

Adler 96

(David, professor of political science at Idaho State, “The Judiciary And Presidential Power In Foreign Affairs: A Critique “ 1 Persp. on L. & Pub. Int. 1 1996-1997, pg Hein Online)

Of course, this arrangement has come under fire in the postwar period on a number of policy grounds. Some have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of almost instantaneous massive destruction. Extollers of presidential dominance also have contended that only the President has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy. 33 These policy arguments have been reviewed, and discredited, elsewhere; space limitations here permit only a brief commentary. 34 Above all else, the implications of U.S. power and action in the twentieth century have brought about an even greater need for institutional accountability and collective judgment than existed two hundred years ago. The devastating, incomprehensible destruction of nuclear war and the possible extermination of the human race demonstrate the need for joint participation in any decision to initiate war. Moreover, most of the disputes at stake between the executive and legislative branches in foreign affairs have virtually nothing to do with the need for rapid response to crisis. Rather, they are concerned only with routine policy formulation and execution, a classic example of the authority exercised under the separation of powers doctrine.³⁵ Nevertheless, these joint functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable. 36 In the wake of Vietnam, Watergate, and the Iran-contra scandal, unilateral executive behavior has become ever more difficult to defend. Scholarly appraisals have destroyed arguments about intrinsic executive expertise and wisdom in foreign affairs and the alleged superiority of information available to the President.³⁷ Moreover, the inattentiveness of presidents to important details and the effects of "groupthink" that have dramatized and exacerbated the relative inexperience of various presidents in international relations have also devalued the extollers' arguments. Finally, foreign policies, like domestic policies, are reflections of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress.

FDA Advantage

Advantage _____: The FDA

First, Domestic surveillance of whistleblowers has crushed the FDA's credibility – undermines its efficacy putting the health of all Americans at risk –

Mercola 12 (Dr. Mercola, anonymous whistleblower against the FDA, "Shocking Story Reveals How the FDA Is Recklessly Abandoning Drug Safety," August 13, 2012, <http://articles.mercola.com/sites/articles/archive/2012/08/13/drug-safety-whistleblower.aspx>) JG

In the wake of shocking reports on how the FDA, terrified of being outed for its questionable practices, spied on its own employees in the hopes of rooting them out before they could become whistleblowers, a new story has emerged on how deep the deceit goes. From marginalizing safety reports to not reading them at all—and then going ahead and approving the drugs in question—the FDA once more stands accused of being little more than a rubber-stamping agency for Big Pharma. Explosive revelations of an intensive spy operation by the FDA on its own scientists emerged last month. Using sophisticated spy software, the agency tracked and logged every move made by the targeted individuals. The program even intercepted personal emails and copied documents on their personal thumb drives. The targeted scientists had expressed concern over the agency's approval of dangerous medical imaging devices for mammograms and colonoscopies, which they believe expose patients to dangerous levels of radiation. Now, another whistleblower has stepped forward, and what he has to say about the agency's drug safety reviews is shocking even to the jaded... Former FDA Reviewer Speaks Out About Systemic Suppression of Safety Ronald Kavanagh was a drug reviewer for the FDA in the Center for Drug Evaluation and Research from 1998 to 2008. In a recent interview he reveals how the FDA bypassed or ignored safety issues on major drugs approved during his employment. In an interview for the online news magazine Truth-Out, he tells Martha Rosenberg1: "In the Center for Drugs [Center for Drug Evaluation and Research or CDER], as in the Center for Devices, the honest employee fears the dishonest employee. There is also irrefutable evidence that managers at CDER have placed the nation at risk by corrupting the evaluation of drugs and by interfering with our ability to ensure the safety and efficacy of drugs. While I was at FDA, drug reviewers were clearly told not to question drug companies and that our job was to approve drugs. We were prevented, except in rare instances, from presenting findings at advisory committees. In 2007, formal policies were instituted so that speaking in any way that could reflect poorly on the agency could result in termination. If we asked questions that could delay or prevent a drug's approval - which of course was our job as drug reviewers - management would reprimand us, reassign us, hold secret meetings about us, and worse. Obviously in such an environment, people will self-censor." According to Kavanagh, people would be shocked if they knew just how malleable safety data is. As examples, he points out that human studies are typically too short and contain too few subjects to get a clear picture of potential risks. In such a scenario, even a single case of a serious adverse event must be taken very seriously, and data from other longer term safety studies also need to be carefully analyzed. Kavanagh claims he has seen drug reviews where the medical safety reviewer completely failed to make such evaluations prior to the drug's approval. FDA Actively Thwarts Serious Safety Investigations There's no telling how many ineffective and/or dangerous drugs and medical devices have been approved and ushered into market through sheer intimidation and bullying, either by pharmaceutical companies or FDA management. Perhaps even more shocking are the revelations that some of the internal rules and regulations of the FDA are clearly designed to thwart serious safety reviews from the get-go. According to Kavanagh: "[H]uman clinical pharmacology trials are typically done in Europe, yet clinical pharmacology reviewers at FDA have been barred from analyzing this information prior to studies being conducted in the US. Without being able to do this, we are unable to detect evidence of risks early and cannot provide guidance that would help with the development of the drug in terms not only of safety and proving efficacy, but also with the efficiency and cost effectiveness of the drug's development." Another loophole that can put your health in serious jeopardy is that drug companies are not required to include adverse events on the drug's label if the adverse reaction is: Below a certain percentage, and/or Below double the rate of the adverse event found in a placebo According to Kavanagh: "By this rule, certain serious and potentially lethal adverse events that eventually resulted in a drug being withdrawn from the market would not have had any mention of the adverse events made in the labeling at all." Kavanagh also claims to have discovered another common loophole used by pharmaceutical companies to circumvent safety issues. They'd simply submit bits and pieces of data to different places, effectively preventing the reviewer to pull it all together. Then, because the safety issues falsely appeared to be negligible, it would be decided that no further evaluation would be necessary... "On one occasion, the company even told me they were going to call upper management to get a clear requirement for approval that they did not want to fulfill eliminated, which I then saw happen. On another occasion a company clearly stated in a meeting that they had "paid for an approval," Kavanagh says. Sometimes we were literally instructed to only read a 100-150 page summary and to accept drug company claims

without examining the actual data, which on multiple occasions I found directly contradicted the summary document. Other times I was ordered not to review certain sections of the submission, but invariably that's where the safety issues would be. This could only occur if FDA management was told about issues in the submission before it had even been reviewed. In addition, management would overload us with huge amounts of material that could not possibly be read by a given deadline and would withhold assistance. When you are able to dig in, if you found issues that would make you turn down a drug, you could be pressured to reverse your decision or the review would then be handed off to someone who would simply copy and paste whatever claims the company made in the summary document." Examples of Dangerous Drug Approvals In his interview, **Kavanagh discusses some of the dangerous drugs that were approved** in the face of unequivocal safety concerns. **One is the nerve gas drug pyridostigmine—a prophylactic drug against the nerve agent Soman.** The drug was approved under the "Animal Rule," which allows drugs to be approved based on animal data alone. There were multiple problems with this approval. First, the animal studies did not reflect how the drug would be used in humans. Second, the drug actually increases lethality if nerve agents other than Soman are used. According to Kavanagh: "This information was not secret - **both FDA and DoD public documents acknowledge increased lethality with other nerve agents such as Sarin, and DoD and other government documents that are public also document that Saddam Hussein was not using Soman and was instead using these other nerve agents exclusively**. Yet because I raised this as an objection, I was immediately replaced as the primary reviewer so that I could not document my concerns and so that pyridostigmine could be approved. It's since been proposed that if we ever face the prospect of nerve agents in the future, that this approval will be used as a justification to convince the President at that time to waive informed consent without presenting a full picture." Pediatric drugs also end up posing unnecessary risks due to the FDA's failure to adequately review safety risks, and the many scientific loopholes employed by pharmaceutical companies. For example, the following flawed parameters are typically used in pediatric drug studies: Dosages are based on approved adult dosages, without regard for metabolic differences between a developing child's body and an adult Exposure oftentimes use overweight children, and include too few children to adequately evaluate risks No allowances are made for race, age, puberty, or actual weight Dangers to pregnant women and their developing fetuses are also frequently ignored.

Curtailing the ITP domestic surveillance is essential – failure to revive the FDA and disconnect the pharma link collapses drug regulation and the U.S. economy

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All in all, the FDA appears to be engaged in a systematic hush-operation designed to give just about anything Big Pharma develops the green light. Essentially, dangerous drugs are given a rubber stamp of approval—the necessary go-ahead to make obscene profits while killing and injuring hundreds of thousands of people every year.

It is, quite simply, inexcusable. The mainstream media has a lot to answer for as well, as their lack of reporting on these issues contributes to the problem by keeping a lid on reality. According to Kavanagh: "FDA's response to most expected risks is to deny them and wait until there is irrefutable evidence postmarketing, and then simply add a watered down warning in the labeling. In fact, when patients exhibit drug toxicity, it is usually attributed to an underlying condition which we know is likely to make the drug toxicity worse. This also allows the toxicity to be dismissed as being unrelated to the drug in any way. Consequently, toxicities are only attributed to the drug when the evidence is irrefutable. Thus the majority of cases where there is a contributing factor are simply dismissed. When you do raise potential safety issues, the refrain that I heard repeatedly from upper management was, "where are the dead bodies in the street?" Which I took to mean that we only do something if the press is making an issue of it." **FDA Safety**

Reviewers Made to Fear for Their Lives? Kavanagh was not surprised to learn about the agency's retaliation against the five whistleblowers, giving several examples of how he was personally intimidated, to the point of fearing for his life, and the safety of his children! "After FDA management learned I had gone to Congress about certain issues, I found my office had been entered and my computer physically tampered with," Kavanagh tells Rosenberg. "... After I gave Representative Waxman's (D-CA) office a USB drive with evidence, FDA staff was admonished that it was prohibited to download information to USB drives. Then, after I openly reported irregularities in an antipsychotic drug review and FDA financial collusion with outsiders to Senator Grassley's office and the House Committee on Oversight and Government Reform, I was threatened with prison if I should release trade secret information to Congress... [T]he Food Drug and Cosmetics Act explicitly allows communication of trade secrets by FDA employees to Congress, but since most people are unaware of this, FDA management can use the threat of jail for violation of the Trade Secrets Act, not only to discourage reviewers, but in my case they got Senator Grassley's staff to destroy the evidence I provided them. The threats, however, can be much worse than prison. One manager threatened my children - who had just turned 4 and 7 years old - and in one large staff meeting, I was referred to as a 'saboteur.' Based on other things that happened and were said, I was afraid that I could be killed for talking to Congress and criminal investigators." **We Now Know What**

Domestic Surveillance of Whistleblowers Looks Like The following video features attorney, Stephen Kohn, executive director of the National Whistleblowers Center and attorney for the FDA whistleblowers in the recently revealed FDA spy operation against them². "For the first time, **we now have a glimpse into what domestic surveillance of whistleblowers looks like in this country with the modern technological developments.**" Kohn says. "**The agency [sought] to destroy the reputation of these whistleblowers forever.**" **FDA Failures Place Health of Americans and Nation at Grave Risk**

The FDA's mission statement reads as follows: "The FDA is responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. The FDA is also responsible for advancing the public health by helping to speed innovations that make medicines and foods more effective, safer, and more affordable; and helping the public get the accurate, science-based information they need to use medicines and foods to improve their health." In

2007, a report bearing the revealing title "FDA Science and Mission at Risk" by the Subcommittee on Science and Technology³, detailed how **the FDA cannot fulfill its stated mission because:** Its scientific base has eroded and its scientific organizational structure is weak Its scientific workforce does not have sufficient capacity and capability, and Its information technology (IT) infrastructure is inadequate Furthermore, the report found that **the development of medical products based on "new science" cannot be adequately regulated by the FDA, and that the agency does not have the capacity to carry out risk assessment and analysis.** Additionally, the agency's science agenda "lacks coherent structure and vision, as well as effective coordination and prioritization." The fact that the FDA does not have its ducks in a row; has sorely misplaced its priorities; and is not working to fulfill its mission is clearly evidenced in the numerous cases where hundreds and sometimes thousands of complaints about dangerous drugs (like Vioxx and Avandia), vaccines (like Gardasil), and additives (like aspartame) are stubbornly ignored, while SWAT-style teams armed to the teeth are sent to raid supplement makers, whole food businesses, organic farmers, and raw dairies when oftentimes not a single incidence of harm can be attributed to their products. According to the Science and Technology Subcommittee's report, **the failures of the FDA is placing the health of Americans, and indeed the economic health of the entire nation, at grave risk: "The FDA constitutes a critical component of our nation's healthcare delivery and public health system. The FDA, as much as any public or private sector institution in this country, touches the lives, health and wellbeing of all Americans and is integral to the nation's economy and its security. The FDA's responsibilities for protecting the health of Americans are far-reaching. The FDA protects our nation's food supply through regulatory activities designed to cover 80 percent of the food consumed in this country. The FDA also regulates all drugs, human vaccines, and medical devices, and hence plays a critical role in ensuring the appropriate safety and efficacy of rapidly emerging medical products. ... The FDA is also central to the economic health of the nation, regulating approximately \$1 trillion in consumer products or 25 cents of every consumer dollar expended in this country annually. Thus, the nation is at risk if FDA science is at risk.** The Subcommittee concluded that **science at the FDA is in a precarious position: the Agency suffers from serious scientific deficiencies and is not positioned to meet current or emerging regulatory responsibilities."**

Extinction

Richard N. Haass **13**, President of the Council on Foreign Relations, 4/30/13, "The World Without America," <http://www.project-syndicate.org/commentary/repairing-the-roots-of-american-power-by-richard-n--haass>

Let me posit a radical idea: **The most critical threat facing the United States now and for the foreseeable future is not a rising China, a reckless North Korea, a nuclear Iran, modern terrorism, or climate change.** Although all of these constitute potential or actual threats, **the biggest challenges facing the US are its burgeoning debt, crumbling infrastructure, second-rate primary and secondary schools, outdated immigration system, and slow economic growth** –in short, **the domestic foundations of American power.** Readers in other countries may be tempted to react to this judgment with a dose of schadenfreude, finding more than a little satisfaction in America's difficulties. Such a response should not be surprising. The US and those representing it have been guilty of hubris (the US may often be the indispensable nation, but it would be better if others pointed this out), and examples of inconsistency between America's practices and its principles understandably provoke charges of hypocrisy. When America does not adhere to the principles that it preaches to others, it breeds resentment. But, like most temptations, the urge to gloat at America's imperfections and struggles ought to be resisted. People around the globe should be careful what they wish for. **America's failure to deal with its internal challenges would come at a steep price.** Indeed, the rest of the world's stake in American success is nearly as large as that of the US itself. Part of the reason is economic. The US economy still accounts for about one-quarter of global output. **If US growth accelerates, America's capacity to consume other countries' goods and services will increase, thereby boosting growth around the world.** At a time when Europe is drifting and Asia is slowing **only the US** (or, more broadly, North America) **has the potential to drive global economic recovery.** The US remains a unique source of innovation. Most of the world's citizens communicate with mobile devices based on technology developed in Silicon Valley; likewise, the Internet was made in America. More recently, new technologies developed in the US greatly increase the ability to extract oil and natural gas from underground formations. This technology is now making its way around the globe, allowing other societies to increase their energy production and decrease both their reliance on costly imports and their carbon emissions. The US is also an invaluable source of ideas. Its world-class universities educate a significant percentage of future world leaders. More fundamentally, **the US has long been a leading example of what market economies and democratic politics can accomplish.** People and governments around the world are far more likely to become more open if the American model is **perceived to be succeeding.** Finally, **the world faces many serious challenges, ranging from the need to halt the spread of weapons of mass destruction, fight climate change and maintain a functioning world economic order that promotes trade and investment to regulating practices in cyberspace, improving global health, and preventing armed conflicts. These problems will not simply go away or sort themselves out.** While Adam Smith's "invisible hand" may ensure the success of free markets, it **is powerless in the world of**

geopolitics Order requires the visible hand of leadership to formulate and realize global responses to global challenges. Don't get me wrong: None of this is meant to suggest that the US can deal effectively with the world's problems on its own. Unilateralism rarely works. It is not just that the US lacks the means; the very nature of contemporary global problems suggests that only collective responses stand a good chance of succeeding. But multilateralism is much easier to advocate than to design and implement. Right now there is only one candidate for this role: the US. No other country has the necessary combination of capability and outlook. This brings me back to the argument that the US must put its house in order - economically, physically, socially, and politically – if it is to have the resources needed to promote order in the world. Everyone should hope that it does: The alternative to a world led by the US is not a world led by China, Europe, Russia, Japan, India, or any other country, but rather a world that is not led at all. Such a world would almost certainly be characterized by chronic crisis and conflict. That would be bad not just for Americans, but for the vast majority of the planet's inhabitants.

Whistleblowers key to curtailing FDA collusion with Big Pharma

Mercola 13- world-renowned physician and multiple New York Times bestselling author (08/13/12; Mercola, Dr. Joseph; Shocking Story Reveals How the FDA Is Recklessly Abandoning Drug Safety; mercola.com; no date; 08/08/15; <http://articles.mercola.com/sites/articles/archive/2012/08/13/drug-safety-whistleblower.aspx>) JG

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to call upper management to get a clear requirement for approval that they did not want to fulfill eliminated, which I then saw happen. On another occasion a company clearly stated in a meeting that they had "paid for an approval," Kavanagh says. ¶ "Sometimes we were literally instructed to only read a 100-150 page summary and to accept drug company claims without examining the actual data, which on multiple occasions I found directly contradicted the summary document. Other times I was ordered not to review certain sections of the submission, but invariably that's where the safety issues would be. This could only occur if FDA management was told about issues in the submission before it had even been reviewed. ¶ In addition, management would overload us with huge amounts of material that could not possibly be read by a given deadline and would withhold assistance. When you are able to dig in, if you found issues that would make you turn down a drug, you could be pressured to reverse your decision or the review would then be handed off to someone who would simply copy and paste whatever claims the company made in the summary document."

Solvency

Solvency mechanism

- Oversight
- Constraints on Insider Monitoring
- Mandate
- Require certification

Canterbury 14

(Angela, Director of Public Policy, “POGO's Angela Canterbury testifies on “Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers” February 26, 2014, pg online @ <http://www.pogo.org/our-work/testimony/2014/pogos-angela-canterbury-testifies.html> //um-ef)

Whistleblowers are the guardians of the public trust and safety Without proper controls at FDA and throughout the government, **employee surveillance is a serious threat to whistleblower protections** **The resulting chilling effect will significantly reduce accountability**—thus **keeping waste, fraud, abuse, and threats to public health and safety in the shadows**. Whistleblowers also are among the best partners in crime-fighting. It is a well-known fact that **whistleblowers have saved countless lives and**

billions of taxpayer dollars. A survey conducted in 2012 by the Association of Certified Fraud Examiners found that nearly half of occupational fraud cases were uncovered by a tip or complaint from an employee, customer, vendor, or other source.^[46] In the case of fraud perpetrated by owners and executives, more than half were uncovered by tips from whistleblowers. A 2011 academic study confirmed that **whistleblowers play a bigger role than external auditors, government regulators, self-regulatory organizations, or the media in**

detecting fraud.^[47] But perhaps the best illustration of how whistleblowers can save taxpayer dollars is the more than \$38 billion recovered since 1987 through the hugely successful False Claims Act (FCA), championed by Senator Grassley.^[48] The FCA prohibits a person or entity from fraudulently or dishonestly obtaining or using government funds. The law not only acts as a deterrent, but also incentivizes whistleblowing through the financial awards and strong protections against retaliation.^[49] Federal Circuit Court Judge Kenneth Keller Hall said that the FCA provisions supplement the government's “regular troops” since it “let loose a posse of ad hoc deputies to uncover and prosecute frauds against the government.”^[50] But unfortunately, the cost-benefit analysis for most whistleblowing is so often all cost to the whistleblower and all benefit to society. Professor Richard E. Moberly in his testimony before Congress aptly stated: Furthermore, almost all the benefits of a whistleblower's disclosure go to people other than the whistleblower: society as a whole benefits from increased safety, better health, and more efficient law enforcement. However, most of the costs fall on the whistleblower. There is an enormous public gain if whistleblowers can be encouraged to come forward by reducing the costs they must endure.

An obvious, but important, part of reducing whistleblowers' costs involves protecting them from retaliation after they disclose misconduct.^[51] **Whistleblowing works for the public, but not without strong protections for the whistleblower**. Recognizing this, **Congress has repeatedly strengthened the rights and procedures available to whistleblowers**. In 2012, Chairman Issa and Ranking Member Cummings—along with Representative Van Hollen, then-Representative Platts, and their Senate

colleagues—championed **the latest enhancements to federal employee protections with the enactment of the Whistleblower Protection Enhancement Act**.^[52] **While these reforms go a long way** to improve the prospects for whistleblowing on government wrongdoing, **employee surveillance, left unaddressed, seriously undermines these and other statutory**

protections for whistleblowers that Congress intended. An Opportunity for Reform This committee's attention to **the unacceptable actions of the managers at FDA will hopefully serve as a catalyst for government-wide reforms**. Certainly security concerns and available technology will outstrip the protection of civil liberties, whistleblower protections, and other constitutional rights unless there is a concerted effort to consider all of these goals together. We can and should move towards a better policy and to ensure more accountability now. But if **left to their own devices, the agencies cannot be expected to get this right**. **The FDA and other agencies should not be in the surveillance or law enforcement business**. Federal

agencies cannot be allowed to police themselves—that is why we have IGs, the OSC, DoJ, and Congress. Investigations of unauthorized, illegal disclosures of information and other criminal misconduct must be conducted by law enforcement investigators—such as the FBI or the Inspectors General—not bureaucrats. While we acknowledge there may be a very limited need for agencies to gather evidence of wrongdoing by employees when there is reasonable suspicion of non-criminal misconduct, the **electronic surveillance is ripe for abuse—as demonstrated by the FDA**. **Even with just cause and proper controls, it will be difficult, if not impossible to ensure constitutional rights are not violated**. To what end? As with the NSA domestic surveillance, the risks to our rights may be greater than the ability of the

surveillance to protect against risks to security. On September 12, 2012, **FDA Commissioner Hamburg issued a memorandum** directing the Chief Information Officer (CIO) and Chief Counsel **to “promptly develop a written procedure” for employee surveillance that includes some**

safeguards (Hamburg Memo).^[53] Presumably, that written procedure is embodied in the interim policies and procedures established last September by the FDA in its Staff Manual Guide (Interim Policy).^[54] No doubt the FDA is in a tough spot, attempting to put into place a process that is more proscribed for surveillance critics, but also placating the lawyers for drug and device companies that demand that information be kept confidential.

Needless to say, **the FDA doesn't have it right yet. Nothing in this policy would prevent the FDA** Commissioner or Chief Operating Officer **from using information collected by the surveillance as retaliation for whistleblowing or providing it to others who might.** **The policy does little to lift the chilling effect at FDA that fosters waste, fraud, abuse, and threats to public health and safety.** How can the FDA ensure the public's health and safety if scientists and physicians are too afraid to come forward when deadly mistakes are made? **Instead, the interim policy would allow the FDA managers to control a vast and far-reaching surveillance program without any oversight from an independent outside entity.** Rather than protect whistleblowers from unwarranted FDA surveillance, this policy protects the FDA from whistleblowers and shields it from accountability. Simply stating that the FDA will follow existing laws to protect whistleblowers is not enough—**the procedures do not build in strong, substantive safeguards.** The Interim Policy does attempt to protect some sensitive communications by prohibiting the targeting of communications with law enforcement, the OSC, members of Congress or their staff, employee union officials, or private attorneys. However, it does not include a similar prohibition on other protected disclosures—most notably, public whistleblowing, which is protected as long as the disclosure of the information is not prohibited under law. **Congress protected public whistleblowing because we live in a democracy that relies on an informed public and freedom of the press.** In numerous instances, threats to public health and safety, waste, fraud, and abuse and other wrongdoing would never have come to light or been addressed without public whistleblowing.^[55] The FDA has not ensured employees, contractors, and grantees can exercise all of their legal rights without fear of retaliation. Thus, **any final policy must prohibit specifically monitoring communications with anyone that may include a protected disclosure.** According to the Whistleblower Protection Act, these communications would include a reasonable belief that the disclosure evidences "any violation of any law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."^[56] In practice, it may be difficult, if not impossible, to prevent the inadvertent capture of protected disclosures while monitoring employee communications. Therefore, **any final policy must mandate a legal review and express authorization before any potentially protected communication that is collected is shared.** Notification of potential legal pitfalls to recipients of collected information, as called for in the Hamburg Memo, is woefully insufficient.^[57] **The FDA must do more to ensure all agency personnel and federal fund recipients are better trained in whistleblower protections.** Under the WPA, it is the responsibility of the head of each agency, in consultation with the Office of Special Counsel, to ensure that agency employees are informed of the rights and remedies available to them under the Whistleblower Protection Act.^[58] **The OSC, has a certification program which allows agencies to demonstrate that they have fulfilled this legal obligation.** Last year, only three agencies sought and received certification—and, remarkably, the FDA was not one of them.^[59] **Clearly, certification should not be voluntary.** Last December, in its second National Action Plan for the Open Government Partnership, the Obama Administration committed to taking steps over the next two years with the stated goal of strengthening and expanding protections for federal whistleblowers.^[60] These commitments include mandating participation in the Office of Special Counsel's Whistleblower Certification Program. **However, Congress should ensure that agency compliance with the WPA notification requirement and certification will continue into the future by putting the requirement into statute.** Federal contractors and grantees also are required to notify their employees of the whistleblower protections available to them.^[61] There should be a mechanism to certify this compliance as well. Perhaps this could be part of the contracting or grant-making process, or the Whistleblower Ombudsmen in the Offices of Inspectors General could play a role. The Inspectors General have responsibilities to conduct investigations of claims of retaliation by contractor and grantee employees, as well as by national security and intelligence community workers.^[62] **Agencies are currently certifying compliance with Presidential Policy Directive 19, which protects national security and intelligence community whistleblowers.** These certifications should be made public, but so far only the Department of Defense has done so. Additionally, a memo and staff manual guide will not alone ensure that privacy, whistleblower, and civil service rights are protected in employee surveillance. The **policies and procedures for safeguarding employee rights whenever investigations or surveillance is conducted should include penalties for violations and should have the force of law.** Therefore, a permanent regulation for all of HSS—not just the FDA—would be most appropriate. However, there ought to be a government-wide approach. The Department of Justice has the appropriate legal expertise for developing such policy, in consultation with the OSC and MSPB. Moreover, **the FDA is only attempting to write a policy ad hoc because of all the unwanted attention it's receiving. But what is to prevent other agencies from spying on employees without regard to the legal rights of these employees? Congress and/or the President must mandate a government-wide policy to protect whistleblower and other constitutional rights and prevent future abuses.** Of course, interfering with communications to Congress^[63] and retaliating for whistleblowing^[64] is against the law. Although the law does protect the identity of whistleblowers in other ways—the OSC and IG are prohibited from disclosing the identity of whistleblowers except in certain circumstances^[65]—there is little to prevent other agencies from identifying whistleblowers by collecting communications. **Congress should consider amending the WPA and contractor protections to specifically prohibit an agency from using collected communications to identify a whistleblower.** Today, we don't know nearly enough about the scope of employee surveillance across the government. We hope that this committee will order a comprehensive study of how agencies are currently conducting surveillance of employees while protecting their rights. Far more needs to be known about current practices, legal protections, effectiveness, and cost. A government-wide study by the Government Accountability Office (GAO) and/or the Merit Systems Protection Board (MSPB) would provide the executive branch and Congress with a more complete picture and recommendations for best-practice policies.^[66] Naturally, there also must be a different approach with the ever-growing intelligence and national security workforce. More and more of the federal workforce is labeled as national security sensitive—and **there is a jaw-dropping lack of oversight.** The

number of people cleared for access to classified information reached a record high in 2012, soaring to more than 4.9 million.[67] Add to that untold numbers of civil servants and contractors without access to classified information, but in positions labeled as national security sensitive.[68] In order to prevent leaks of classified information, it is critical that there are truly safe channels for legal disclosures. We have long been concerned about the potential for abuse of whistleblowers as a result of Insider Threat programs mandated by the President and Congress.[69] The program pits employees against one another,[70] creating an atmosphere of suspicion and intimidation likely to silence would-be whistleblowers. Intended to protect national security, implementation of the Insider Threat Program at agencies that have little to do with national security issues suggests a serious overreach. Blurring the line between spies and whistleblowers can only harm national security. An investigation by McClatchy last year discovered that agencies were using the Insider Threat Program as grounds to pursue unauthorized disclosures of unclassified information—information that whistleblowers can legally disclose to anyone under current law.[71] We hope this committee will also conduct rigorous oversight of whistleblower protections for the national security and intelligence community workforce. Importantly, we must not lose sight of what brought us here today. Scientists at the FDA were concerned about a device approval process that they believed might put lives at risk. We urge you to ensure that the critical work being done by the CDRH puts the public's health and safety first. Bureaucrats at FDA should not be allowed to overrule the findings of expert scientists and physicians, except under extraordinary circumstances. There are no criminal penalties for FDA officials who allow unsafe devices to be approved. FDA officials should be held accountable for approving ineffective or unsafe products, and flawed devices must be taken off the market. There must be far more transparency and less deference to the demands for confidentiality by the drug and device companies. Finally, please do all you can to ensure the FDA whistleblowers get the justice that they deserve and that FDA managers are held accountable for any violations of the rights of the scientists and physicians who sought to make medical devices safer and more effective. Thank you for the opportunity to testify before you today. POGO and the Make It Safe Coalition pledge to continue to work with you to fulfill the promise of a government that is truly open and accountable to the American people. I look forward to your questions.

And, the signal of the plan must be clear and consistent and sent by congress – oversight is critical to ensure protections are enforced

Grassley 14

(Chuck, Senator, "Sen. Grassley Talks About Anniversary Of Whistleblower Protection Act." Indian eGov Newswire 11 Apr. 2014. Infotrac Newsstand. //um-ef)

Value of Whistleblowers To return to the theme I started on, whistleblowers need protection from retaliation today just as much as they did 25 years ago when we passed the Whistleblower Protection Act. I've always said whistleblowers are too often treated like a skunk at a picnic. However, 25 years after the Whistleblower Protection Act, the data on whistleblowing is in, and the debate on whether to protect whistleblowers is over. There is widespread public recognition that whistleblowers perform a valuable public service. Earlier this year, PricewaterhouseCoopers found that 31% of serious fraud globally was detected by whistleblowing systems or tip-offs. According to a 2012 report from another organization, that number is even higher when looking just in the U.S., with 51% of fraud tips coming from a company's own employees. In 2013, of U.S. workers who had observed misconduct and blown the whistle, 40% said that the existence of whistleblower protections had made them more likely to report misconduct. **Whistleblowers are particularly vital in government, where bureaucrats only seem to work overtime when it comes to resisting transparency and accountability.** A year and a half after the Whistleblower Protection Act, President Bush issued an Executive Order in 1990 that said that all federal employees "shall disclose waste, fraud, abuse and corruption to appropriate authorities." Federal employees are still under that obligation today. They are fulfilling a civic duty when they blow the whistle. I have encouraged President Reagan and every president after him that we ought to have a Rose Garden ceremony honoring whistleblowers. Unfortunately, that has not happened. Further, while the Obama Administration promised to be the most transparent in history, it has instead cracked down on whistleblowers like never before. Last week the Supreme Court denied a petition to hear an appeal from a case named Kaplan v. Conyers. The Obama Administration's position in that case, if allowed to stand, means untold numbers of federal employees may lose some of the very same appeal rights we tried to strengthen in the Whistleblower Protection Act. It could be half or more of federal employees impacted. Such a situation would undo 130 years of protection for civil servants, dating back to the Pendleton Civil Service Reform Act of 1883. President Obama promised to ensure that whistleblowers have full access to courts and due process. However, his Administration has pursued the exact opposite goal here. That is unacceptable. I think **it's important to send a loud and clear signal that waste, fraud, and abuse won't be tolerated in government.** That's why I'm pleased to announce that I will be forming a whistleblower protection caucus. I'll be talking to my colleagues at the beginning of the 114th Congress. Until then, I'll be talking to my colleagues and encouraging them to join me as we start putting together an agenda for the caucus in the new Congress. As we celebrate the 25th anniversary of the Whistleblower Protection Act, we should all recognize whistleblowers for the sacrifices they make. Those that fight waste, fraud, and abuse in government should be lauded for their patriotism. **Whistleblower protections are only worth anything if**

they're enforced. Just because we've passed good laws does not mean we can stop paying attention to the issue. **There must be vigilant oversight by Congress.** The best protection for a whistleblower is a culture of understanding and respecting the right to blow the whistle. I hope this whistleblower caucus will send the message that Congress expects that kind of culture. I call on my colleagues to help me make sure that whistleblowers continue to receive the kind of protection they need and deserve

And, there is zero risk of offense, the insider threat program is a total disaster – it overextends agencies and creates a volume of useless information that only PREVENTS good governance (can be cut if too long)

Rottman 13

(Gabe, “Obama’s Whistleblower Witchhunt Won’t Work at DOD,” pg online @ <http://www.defenseone.com/management/2013/07/obama-whistleblower-witchhunt-wont-work-DOD/67598/> //um-ef)

The Obama administration is now on an Angletonian path, but **on a meta scale throughout the government**. Two years ago, the White House implemented the Insider Threat Program, an initiative created by executive order following the WikiLeaks affair. Not surprisingly, civil liberties groups fear the initiative will open the door to inappropriate and biased reporting based on racial and ethnic profiling, whistleblower retaliation and personal and political vendettas that will overload the system with bad information. These critics are joined, however, **by career counter-intelligence experts**, many of whom argue that non-professionals are simply ill-equipped to accurately identify potential threats. The program requires any government agency with network access to classified information to design and implement an insider threat plan to better identify both spies and leakers (including whistleblowers seeking to reveal government fraud, waste, or illegality). The plans address both network and information security, but much of the focus has been on personnel security. **Implementing agencies must train all of their cleared workers on how to identify “high-risk” behavior by their colleagues** like “stress,” sudden financial problems or “exploitable behavior traits,” as one Defense Department publication puts it. In certain circumstances and agencies, failure to report such behavior could leave employees open to disciplinary action or even, reportedly, criminal penalties. **Some agencies have extended the program to all workers**, not just those with clearances, and in many cases the training is far from comprehensive. It’s also unclear who will run these programs. McClatchy, which broke the story, only notes that the Pentagon is training managers and security officials at the Defense Department and contractors to set up “insider threat offices.” Interestingly, of those looking at the program, few have noted the particularly acute problems posed by the program at the Defense Department, which will face special challenges for two related reasons. The first is simply size. DOD is one of the largest employers in the world and — because of its size and mission — has the largest pool of security clearances in the government. In a total population of almost 5 million cleared government workers, the Defense Department has more than half, which include civilian employees, contractors and military personnel. Additionally, one of the more important government-wide counterintelligence services is the Defense Security Service, which is responsible for counterintelligence training and reporting for the entire defense industry. It also administers the federal industrial security program, which grants facility security clearances and provides security monitoring for more than 13,500 cleared, contractor facilities at DOD as well as 26 other government agencies. As a result, any insider threat guidance from DOD administered through DSS would apply very broadly. **By dragooning every cleared defense employee** as a potential tipster (and potentially punishing them if they do not report), **the Insider Threat Program will vastly inflate the universe of potential leads**. The sheer volume of data generated by a program that not only invites, but requires, Defense Department workers to report “suspicious” behavior by colleagues will overwhelm the smaller number of investigators actually working on

legitimate insider threats. The same “big data” issues have bedeviled the wider counterterrorism enterprise in the years following 9/11. Legislative and administrative initiatives have prompted unprecedented **information gathering** by the government without the requisite resources or technical ability to digest the data. False positives are, tragically, a frequent occurrence and are all too often the result of profiling based on a person’s race or ethnicity. Equally tragic are the investigative failures in the overworked system, which was unable to detect in advance, for instance, the Boston bombers or the Detroit underwear bomber despite earlier tips to the government. In the case of Fort Hood shooter Army Maj. Nidal Hasan, the FBI’s Webster Commission Report specifically said that the post-9/11 “data explosion” contributed to the failure to properly assess emails between Hasan and Anwar al-Awlaki. Similarly here, by turning the entire DOD workforce into a tips factory, the number of leads generated by the Insider Threat Program will only increase the static on the line. The second problem arises from the government’s purported “indicators” of high-risk behavior. It is true that some traditional indicators of espionage like sudden and unexplained wealth, attempts to conceal foreign travel or the mishandling of classified information may provide leads for counterintelligence agents to initiate investigations. But opening the floodgates by requiring cleared workers to report every perceived instance of such behavior will only stress the investigators and increase the risk of system failure. The current initiative, however, goes beyond these traditional indicators and expands potential red flags, including things like stress, divorce, financial distress or other life conflicts that are commonplace. And the program gives agencies the ability to experiment more freely. As reported by McClatchy, for instance, FBI insider threat guidance warns security personnel to be on the lookout for “James Bond Wannabe[s]” and people with sympathy for the “underdog” or for a “particular cause.” The fatal flaw in the “insider threat” detection system is that it is attempting to systematize something that is highly subjective. It asks individuals without extensive and proper training in counterintelligence to determine whether an individual is “acting suspicious.” Some individuals are going to see a spy or leaker around every corner, and unfortunately many also harbor biases that make them more likely to suspect certain individuals more than others. Racial and ethnic profiling, especially against Arabs, Muslims and South Asians, is an unfortunate fact of life, and government employees are as vulnerable to those biases as everyone else. Requiring workers to report everything they think is suspicious means a larger haystack of bad information. It also makes the needles look smaller because the data surplus strains investigators and makes it easier for the bad guy to hide his tracks. It’s worth remembering that the Angleton program was eventually dismantled not just for principled reasons but because, pragmatically, the omnipresent suspicion and lack of independent checks on Angleton and his staff had hamstrung the CIA in its mission. Case officers couldn’t recruit sources or collaborate with friendly intelligence agencies. That operational risk, coupled with both the threat to government employees’ civil liberties and the danger that this will overwhelm counter-intelligence investigators, counsel strongly against this Angletonian initiative.

FDA Cred Advantage

UQ

Uniq: Credibility Down: Pharma Ties

The FDA has no credibility: patients are dying by the thousands while Big Pharma rakes in profits due to lack of regulation

Light 13 (Light, Donald- a professor at the University of Medicine and Dentistry of New Jersey, School of Osteopathic Medicine who served for the past three years as the Lokey Visiting Professor of comparative health care at Stanford. After receiving a BA in history from Stanford, an MA in sociology from the University of Chicago, and a PhD in sociology from Brandeis, he served on the faculties of Princeton and City College of New York. Light has been a visiting fellow or professor at the universities of Oxford, Manchester, and Maastricht, Princeton, UCSF, and Columbia. His articles have appeared in journals such as the American Journal of Sociology, The Milbank Quarterly, Social Science and Medicine, The Lancet, the British Medical Journal, the American Journal of Public Health, and the New England Journal of Medicine. As a founding fellow of the Center for Bioethics at the University of Pennsylvania, he has co-authored with Norman Daniels and Ron Caplan, Benchmarks of Fairness for Health Care Reform (1996) and edited The Risks of Prescription Drugs (2010). As an activist scholar, Light has contributed to successful campaigns against institutional barriers to affordable health insurance (US, Ireland), elective surgery (England), and new global vaccines. He has received the William Foote Whyte Distinguished Career Award in Sociological Practice. His current research concerns the historical roots of institutional corruption in the development of prescription drugs and its consequences.; Risky Drugs: Why the FDA Can't be Trusted; Center for Ethics; July 17, 2013; 08/07/15; <http://ethics.harvard.edu/blog/risky-drugs-why-fda-cannot-be-trusted>) JG

A forthcoming article for the special issue of the Journal of Law, Medicine and Ethics (JLME), edited by Marc Rodwin and supported by the Edmond J. Safra Center for Ethics, presents evidence that about 90 percent of all new drugs approved by the FDA over the past 30 years are little or no more effective for patients than existing drugs.[¶] All of them may be better than indirect measures or placebos, but most are no better for patients than previous drugs approved as better against these measures. The few superior drugs make important contributions to the growing medicine chest of effective drugs.[¶] The bar for "safe" is equally low, and over the past 30 years, approved drugs have caused an epidemic of harmful side effects, even when properly prescribed. Every week, about 53,000 excess hospitalizations and about 2400 excess deaths occur in the United States among people taking properly prescribed drugs to be healthier. One in every five drugs approved ends up causing serious harm,¹ while one in ten provide substantial benefit compared to existing, established drugs. This is the opposite of what people want or expect from the FDA.[¶] Prescription drugs are the 4th leading cause of death. Deaths and hospitalizations from overdosing, errors, or recreational drug use would increase this total. American patients also suffer from about 80 million mild side effects a year, such as aches and pains, digestive discomforts, sleepiness or mild dizziness.[¶] The forthcoming article in JLME also presents systematic, quantitative evidence that since the industry started making large contributions to the FDA for reviewing its drugs, as it makes large contributions to Congressmen who have promoted this substitution for publicly funded regulation, the FDA has sped up the review process with the result that drugs approved are significantly more likely to cause serious harm, hospitalizations, and deaths. New FDA policies are likely to increase the epidemic of harms. This will increase costs for insurers but increase revenues for providers.[¶] This evidence indicates why we can no longer trust the FDA to carry out its historic mission to protect the public from harmful and ineffective drugs. Strong public demand that government "do something" about periodic drug disasters has played a central role in developing the FDA.² Yet close, constant contact by companies with FDA staff and officials has contributed to vague, minimal criteria of what "safe" and "effective" mean. The FDA routinely approves scores of new minor variations each year, with minimal evidence about risks of harm. Then very effective mass marketing takes over, and the FDA devotes only a small percent of its budget to protect physicians or patients from receiving biased or untruthful information.³⁴ The further corruption of medical knowledge through company-funded teams that craft the published literature to overstate benefits and understate harms, unmonitored by the FDA, leaves good physicians with corrupted knowledge.⁵ Patients are the innocent victims.[¶] Although it now embraces the industry rhetoric about "breakthrough" and "life-saving" innovation, the FDA in effect serves as the re-generator of patent-protected high prices for minor drugs in each disease group, as their therapeutic equivalents lose patent protection. The billions spent on promoting them results in the Inverse Benefit Law: the more widely most

drugs are marketed, the more diluted become their benefits but more widespread become their risks of harm.¶ The FDA also legitimates industry efforts to lower and widen criteria prescribing drugs, known by critics as “the selling of sickness.” Regulations conveniently prohibit the FDA from comparing the effectiveness of new drugs or from assessing their cost-effectiveness. Only the United States allows companies to charge what they like and raise prices annually on last year’s drugs, without regard to their added value.7¶ A New Era?¶ Now the FDA is going even further. The New England Journal of Medicine has published, without comment, proposals by two senior figures from the FDA to loosen criteria drugs that allege to prevent Alzheimer’s disease by treating it at an early stage.8 The authors seem unaware of how their views about Alzheimer’s and the role of the FDA incorporate the language and rationale of marketing executives for the industry. First, they use the word “disease” to refer to a hypothetical “early-stage Alzheimer’s disease” that supposedly exists “before the earliest symptoms of Alzheimer’s disease are apparent.” Notice that phrasing assumes that the earliest symptoms will become apparent, when in fact it’s only a hypothetical model for claiming that cognitive lapses like not remembering where you put something or what you were going to say are signs of incipient Alzheimer’s disease. The proposed looser criteria would legitimate drugs as “safe and effective” that have little or no evidence of being effective and expose millions to risks of harmful side effects.¶ No proven biomarkers or clinical symptoms exist, the FDA officials note, but nevertheless they advocate accelerated approval to allow “drugs that address an unmet medical need.” What “unmet need”? None exists. This market-making language by officials who are charged with protecting the public from unsafe drugs moves us towards the 19-century hucksterism of peddling cures of questionable benefits and hidden risks of harm, only now fully certified by the modern FDA.9¶ The main reason for advocating approvals of drugs for an unproven need with unproven benefits, these FDA officials explain, is that companies cannot find effective drugs for overt Alzheimer’s. Their drug-candidates have failed again and again in trials. The core rationale of the proposed loosening of criteria is that “the focus of drug development has sifted to earlier stages of Alzheimer’s disease...and the regulatory framework under which such therapies are evaluated should evolve accordingly.” Yet they admit there are no “therapies” in this much larger market where (with the help of the industry-funded FDA) companies will not have to prove their drugs are effective. In fact, these FDA officers propose to approve the drugs without ever knowing if they are therapeutic or not. Their commercialized language presumes the outcome before starting. The job of the FDA, it seems, is to help drug companies open up new markets to increase profits for the FDA’s corporate paymasters.¶ These two FDA officials maintain that “the range of focus must extend to healthy people who are merely at risk for the disease but could benefit from preventive therapies.” Yet they admit we do not know who is “at risk,” nor whether there is a “disease,” nor whether anyone “could benefit,” nor whether the drugs constitute “preventive therapies.” Similar FDA-encouraged shifts have been made for drugs treating pre-diabetes, pre-psychosis, and pre-bone density loss, with few or no benefits to offset risks of harm. This week, based on policy research at the Edmond J. Safra Center for Ethics, a letter of concern was published in the New England Journal of Medicine. The authors write that approval for drugs to treat “early stage Alzheimer’s disease” must meet “a much higher bar – evidence of slowed disease progression.” But without clinical manifestations or biomarkers for an alleged disease, how will such progression be measured?¶ Advice to readers: Experienced, independent physicians recommend not to take a new drug approved by the FDA until it is out for 7 years, unless you have to, so that evidence can accumulate about its real harms and benefits.10¶----¶ Disclaimer: The assessment and views expressed here are solely the author’s and do not necessarily reflect those of persons or institutions to which he is associated. The comments and suggestions of Gordon Schiff, an expert in prescribing at Brigham and Women’s Hospital, and Robert Whitaker are gratefully acknowledged.

Uniq: Credibility Down: Drug Safety & Industry

FDA credibility is down- damages industry and overall drug safety

Baghda 07 (Ramsey Baghda- a Regulation Policy Market Access Contributor, September 2007, Vol. 2, No. 9, The RPM Report, <http://consumersunion.org/pdf/RPMreport0907.pdf>; Avandia and the Commercial Impact of FDA’s Credibility Gap; 08/07/15) JG

Does What FDA Says Matter Less?¶ Given the appearance that Congress wasn’t interested in FDA’s interpretation of the Avandia meta-analysis before taking action, there may be a broader implication for pharmaceutical and biotech manufacturers. Outside of outright approval or rejection of a drug, does FDA’s opinion matter less? It depends on who you ask.¶ “I still think what we say matters a lot,” Center for Drug Evaluation & Research director Steve Galson, MD, says. “There are a lot more voices and that is, in general, good.”¶ Galson acknowledges it is more difficult for FDA to be the single voice on drug safety anymore, but he says the challenges FDA faces from outside groups don’t diminish FDA’s role as a regulator. “I still think that our voice is very important and will continue to be so.”¶ Galson says the public must be able to distinguish between the role of the regulator and everyone else. The role of FDA, he says, is to implement policies and guidelines, provide transparency about sharing information with the public, and stick to the statutory authority given to the agency by Congress. Unlike FDA officials, he notes, “academics are much freer to do whatever they want when it comes to recommendations about drug safety and other public health matters.”¶ But industry executives aren’t so sure that FDA has much clout

anymore when it comes to drug safety. In the current environment, the agency has not done a convincing job distinguishing itself as the authoritative body on drug safety, according to Wyeth EVP for business practices and compliance Bruce Burlington. “All you have to do is look at the Avandia scripts,” he says. What FDA says “does matter less.” THE RPM REPORT Page 3 of 13 http://therpmreport.com/EMS_Base/Agent.aspx?Page=/Content/2007500150.aspx 9/12/2007 MedImmune’s Mott maintains the situation is more complicated than a simple “yes” or “no” answer. “I still think [what FDA says] matters an awful lot to an individual product, to the patients, to the customers and to the company. I think what’s happened, though, is there is now another layer of complexity and risk that gets added in, which goes beyond the FDA’s position.” Companies, Mott explains, now have to worry about outlier positions by individuals outside FDA—individuals like Steve Nissen—while avoiding getting dragged into the political process that has surrounded drug safety. (See “Shadow FDA? Researchers Are Taking Approval Matters Into Their Own Hands,” The RPM Report, December 2005.) “Those are just added layers of complexity and risk that didn’t used to be as big an element in the drug development process as they have been,” he says. Still, Mott says, the agency’s longevity as the gold standard acts as an anchor in a turbulent environment. “The FDA has a reservoir of credibility built over decades. Notwithstanding the recent bashing in the media and political arenas, I think that reservoir still exists.” Mott’s right: Not even FDA’s strongest critics have come out and said the agency isn’t the gold standard anymore. But when asked whether FDA’s credibility is a real commercial issue for drug and biotech companies, Mott doesn’t hesitate. “Absolutely. Any reductions in either the actual effectiveness or capabilities of the agency—or the perceived effectiveness or capabilities and credibility of the agency—increases the already tremendous risks, costs and timelines in the drug development process and hurts the industry and ultimately patients.” “FDA’s credibility crisis “does affect our decisions on drug development targets and the risk we’re prepared to take on in drug development. Clearly, the safety bar has gone up in the agency over the last few years as we’ve gone through this cycle of safety questions and credibility assaults on the FDA. That affects how we think about what we’re going to develop and how we design and run experiments.” Wall Street and internal R&D programs aren’t the only places feeling the negative impact from FDA’s credibility gap. The venture capital community is looking at deals through a slightly different lens as well.” “I can think of a deal that I looked at with my partner and one of the factors that led us to turn the deal down was the potential for political, media and FDA risk,” Versant’s Colella says. The deal involved a company developing a women’s health product equivalent to Pfizer Inc.’s Viagra. One issue, according to Colella, was that the drug treated a “lifestyle” issue and not a life-threatening health condition. THE RPM REPORT Page 4 of 13 http://therpmreport.com/EMS_Base/Agent.aspx?Page=/Content/2007500150.aspx 9/12/2007 “We looked at it, and I was thinking, this is one where the FDA is going to be sitting there saying ‘uh oh, what happens when we approve this and somebody gets hurt?’ So we shied away from it.” Regulatory risk has always been a critical item on Versant’s list of priorities when evaluating a deal, but “it’s increased in importance because of the environment now,” Colella says.

Uniq: Science is Corrupted

FDA pressure kills scientific certainty – guts FDA cred

Grassley 6 (Sen. Charles Grassley, United States Senator from the state of Iowa, Chairman Committee on Finance; letter to Andrew C. von Eschenback, M.D., Acting Commissioner of the US Food and Drug Administration; Published in Press Release; “Grassley Outlines Problems at FDA, Urges Reforms”; The United States Senate Committee on Finance; September 20, 2006; <http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200>)/HB

Pressure to Alter or Exclude Information

Not only has the FDA disregarded and downplayed important concerns and warnings from its own scientists, but FDA supervisors have also pressured some of these scientists to change their findings or

conclusions regarding the safety and/or efficacy of a product. Most notably Dr. Mosholder and Dr. Graham, among others, have been pressured by their supervisors to soften their safety findings or conclusions regarding antidepressants and Vioxx, respectively. In addition, a survey released by the Union of Concerned Scientists (UCS) and the Public Employees for Environmental Responsibility (PEER) on July 20, 2006, found that approximately one-fifth of the nearly 1,000 FDA scientists surveyed said that they had been asked, for nonscientific reasons, to inappropriately exclude or alter technical information or their conclusions. One-fifth said that they have been asked explicitly by FDA decision-makers to provide incomplete, inaccurate or misleading information to the public, industry, the media and government officials. My Committee staff are presently reviewing such allegations in ongoing investigations. Pressure to Approve Products Throughout numerous investigations by my Committee staff, FDA employees have also stated that they are under constant pressure to approve drugs within deadlines established by the Prescription Drug User Fee Act. For example, during the Committee's investigation into the delay in labeling changes regarding blindness risks for Viagra, the safety evaluator for that drug informed my staff that the Office of New Drugs is under such time pressure to approve new drugs that safety concerns were often "fit in" wherever they could. According to a survey by the HHS OIG in 2002, nearly one in five scientists polled said that they had been pressured to approve or recommend approval of a new drug despite concerns about its safety, effectiveness, or quality. This needs to be corrected immediately, and FDA needs to resume its science-based mission.

Uniq: Chilling Now

Despite regulations, FDA scientists still exhibit chilling effect

Grassley 6 (Sen. Charles Grassley, United States Senator from the state of Iowa, Chairman Committee on Finance; letter to Andrew C. von Eschenback, M.D., Acting Commissioner of the US Food and Drug Administration; Published in Press Release; "Grassley Outlines Problems at FDA, Urges Reforms"; The United States Senate Committee on Finance; September 20, 2006; [//HB">http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200\)//HB](http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200)

According to the FDA, there are regulations and procedures in place to help resolve organizational and individual disagreements. However, my Committee staff continues to hear from **FDA employees who experience intimidation and reassignments when they raise concerns about the integrity of FDA's work.** In addition, the 2006 UCS and PEER survey found that over one-third of the FDA scientists who responded to the survey said they could not openly express any concerns about public health within FDA without fear of retaliation. Moreover, the GAO found that the dispute resolution processes for disagreements over postmarket drug safety decisions "have not been used and may not be viewed as sufficiently independent."

Your recent meeting with FDA staff involved in the review of Ketek is a disturbing example that FDA's internal dispute resolution processes are not working. Instead of reassuring FDA employees that they can raise concerns without being subjected to retaliation or intimidation, the meeting itself appears to

be an act of intimidation. Scientists who speak up about problems and concerns, whether internally or externally, help ensure that our government operates efficiently, effectively, and in the best interest of the American people. **FDA employees need to hear from the leader of the agency that they can freely voice their concerns without fear of reprisal.**

Internals

Internals: FDA has Pharma Ties

The FDA is in big pharma's pocket: took over a half a billion in bribes in 2010 alone

Wapner 12 (Wapner, Jessica- a freelance writer focused mainly on biomedical issues. Her work is published in Scientific American, The New York Times, Slate, Science, Nature Medicine, and elsewhere; 01/25/12; How Much Money Do Drug Companies Pay the FDA?; blogs.plos.org; <http://blogs.plos.org/workinprogress/2012/01/25/how-much-money-do-drug-companies-pay-the-fda/>; 08/07/15) JG

How Much Money Do Drug Companies Pay the FDA? By Jessica Wapner Posted: January 25, 2012 The Prescription Drug User Fee Act became a law in 1992. PDUFA (or as most people say, padoofa) allows the FDA to collect fees from pharmaceutical companies filing new drug applications. A new drug application, or NDA, is the process by which the FDA reviews new drugs. Updated performance goals, which have been part of PDUFA from the start, for 2013 through 2017 were issued this past September. PDUFA was mainly created as a response to complaints among consumers, the pharmaceutical industry and the FDA that drug approvals were taking too long. The FDA said that without more money, there would never be enough staff support to churn out approvals at a rate that met with public and industry approval, and that met the needs of patients awaiting better treatments. In that light, the arrangement seems reasonable: drug companies are private, for-profit businesses that require regulatory approval of products they want to bring to market, so it seems right that they should have to pay for the time a government agency has to spend reviewing the compound. On the other hand, another point of view holds that PDUFA spells not just padoofa, but also trouble, because it puts the FDA in the pockets of the drug industry. In the same way that doctors are accused of subjecting themselves to bias when they receive consulting or speaker fees from a drug company, so has the FDA been accused of kowtowing to the pharmaceutical industry, approving drugs that maybe shouldn't be approved for one reason or another, and allowing the committees assembled to review NDAs to be stacked with conflicts of interest. All of the information about what fees are paid to the FDA is public information. But few people who have tried to navigate through the FDA's labyrinthine website have lived to tell the tale. So, apropos of nothing, here are some of the relevant numbers. In FY 2012, the fee for filing an NDA that requires clinical data is \$1,841,500. For an application that does not require clinical data, the fee is \$920,750. The most recent year for which the payment amounts are available is 2010. In FY 2010, the total amount paid to the FDA for application fees was \$172,238,150. Establishment fees (another, smaller component of PDUFA) totaled \$183,328,513. Product fees (yet another, still smaller component) came to \$173,709,880. (Fun task: See if you can make heads or tails of the definitions on establishment fees and product fees at this FAQ on PDUFA) That brings the grand total of PDUFA fees collected in FY 2010 to \$529,276,543. According to the FDA, this total almost covered all of the expenses associated with NDA reviews, which are: personnel compensation and benefits; travel and transportation; rent; communications; contract services; equipment and supplies; and other. In FY 2010, that total came to \$573,258,400. (In 2009, the total was \$512,051,400. You can see the two breakdowns here.) Interestingly, the total number of NDAs filed in 2010 was 86, the lowest number in the past five years. However, the number of priority NDAs — applications for more urgently needed drugs, such as those to treat rare diseases with highly limited treatment options — remained steady. Approval times for priority applications was about 9 months in 2009, the most recent year with meaningful data. In 2010, the percentage of approvals made during the first cycle of review decreased for the third straight year, which might indicate a more stringent review process. (According to the FDA, about 80% of all filed applications will eventually be approved.) In one sense, it could be said that if the branch of the FDA involved in reviewing NDAs has its budget mainly covered by PDUFA fees, rather than taxpayer dollars, the turn that part of the agency is almost like a private company. At the same time, it would seem weird if taxpayers were covering the NDA expense and then being charged again for drug purchases. Yet another tangled web woven.

FDA is too cozy with the industry – needs to return to being the regulator

Grassley 6 (Sen. Charles Grassley, United States Senator from the state of Iowa, Chairman Committee on Finance; letter to Andrew C. von Eschenback, M.D., Acting Commissioner of the US Food and Drug Administration; Published in Press Release; “Grassley Outlines Problems at FDA, Urges Reforms”; The United States Senate Committee on Finance; September 20, 2006; [//HB">http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200\)//HB](http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200)

I have frequently criticized the FDA for its relationship with the industry, which I believe is far too cozy. The FDA needs to distance itself from the industry and return to its role as regulator, not a facilitator. Despite findings from a Merck study that heart attacks were five times higher for Vioxx patients than for patients on another drug, nearly two years passed before label changes were made. The overriding concern of the FDA should have been the health and safety of the American people. However, while the FDA was negotiating label changes with the company, patients and doctors remained largely unaware of the cardiovascular risks. In addition, Merck was aggressively marketing Vioxx during that time.

Another troubling example of FDA’s coziness with industry is the removal of Dr. Victoria Hampshire, a drug safety reviewer, from the review of ProHeart 6, a heartworm prevention drug for dogs. Dr. Hampshire was reassigned following the drug company’s presentation of findings from its private investigation of Dr. Hampshire after the company met with then-Commissioner. It appears the purpose of that investigation was retaliatory and an effort to discredit Dr. Hampshire. The company’s investigation led to a criminal investigation by the FDA; however, the investigation resulted in no action taken against Dr. Hampshire. In fact, Dr. Hampshire subsequently received an award for her job performance related to ProHeart 6.

Unfortunately, it appears that Dr. Hampshire is not the only FDA employee who was the target of a company’s campaign to discredit individuals who may present impediments to its agenda. Two months ago, I wrote to the Department of Health and Human Services Office of Inspector General (HHS OIG) to investigate whether or not one or more FDA employees conspired with Merck to discredit Dr. Graham and/or call into question Dr. Graham’s allegations regarding the safety and efficacy of Vioxx. FDA’s handling of the antibiotic Ketek is another example where the FDA appears to have accommodated a drug company despite the fact that the company submitted fraudulent data from a safety study to the FDA and repeatedly provided incomplete safety information. What baffles me even more is the fact that the FDA continued to cite Study 3014 in publicly released safety information for Ketek even after its Division of Scientific Investigations concluded that Study 3014 involved “multiple instances of fraud” and that “the integrity of data from all sites involved in [the] study...cannot be assured with any degree of confidence.”

Internals: FDA Overreg Bad: Pharma

FDA regulation grants big pharma a monopoly- stunts innovation and raises prices

Fuchs 11 (Fuchs, David- frequent writer both on Wikipedia and TechDirty, techdirty.com, FDA Suddenly Bans Drugs That Have Been On The Market For Decades, Thu, Mar 24th 2011 11:35am; <https://www.techdirt.com/articles/20110324/02181913605/fda-suddenly-bans-drugs-that-have-been-market-decades.shtml>; 08/07/15) JG

As Techdirt recently discussed, the drug pipeline is running dry, as Big Pharma's patents are beginning to expire, and the drug companies are freaking out. For years they have been spending more money on research and testing and getting fewer results. This year alone they are going to have 11 patents expire on drugs that bring in approximately \$50 billion in revenue to the big pharma firms. Of course, the flip side to this is that consumers can start saving about 95% on the price of those drugs, as generics hit the market. The drug companies have gotten to a point where the incremental increases in efficiencies are so small as to be meaningless. What is coming is more personalized and targeted treatments for diseases -- treatments that do not require bulk production of a specific chemical, but individual testing and personalized care, and not lifetime treatments and repeat sales, but cures. The treatments will be expensive to begin with, but they will become less expensive over time. The business model of healthcare is about to change dramatically, and Big Pharma needs to do something to maintain their profits. Unfortunately, they seem to have chosen the path of regulating the competition out of existence, rather than competing and innovating. ¶ One way the drug companies have been coping is to repackage and rebrand health food supplements. Drugs like Lovaza, which is nothing more than the fish oil you can get in health food stores, and lovastatin which has been in use for roughly a thousand years (800 AD) in the form of red yeast rice. In the case of lovastatin, the FDA banned the supplements because they are "identical to a drug and, thus, subject to regulation as a drug." That is very convenient for the drug company, which now charges monopoly rents on the product -- which can increase prices at ridiculous levels. ¶ More recently, the FDA banned 500 prescription drugs that had been on the market and working for years. To be fair, it was really 50-100 drugs (pdf), made by different companies, but that just highlights how there was actual competition in the marketplace for these drugs, which has now been removed. For all of the drugs, there is either a high-priced prescription version, or all the small manufacturers have been removed, leaving a virtual monopoly for one or more larger companies. This process began in 2006 when the FDA decided to remove marketed unapproved drugs (pdf). ¶ The reasoning is that these drugs weren't ever technically "approved" by the FDA. While the FDA has been around for about a century, the business of having the FDA first approve drugs before they could go on the market came about closer to fifty years ago, and a bunch of "unapproved drugs" that were in common usage before that never got approved. The FDA is targeting many of those, even if they have a long history in the marketplace. Conveniently, of course, there always seems to be a pharma company with a monopolized substitute ready. ¶ In 2006 the first "new" monopoly that was created by this FDA process was for the malaria drug quinine sulfate. This left only Mutual Pharmaceutical Company to manufacture quinine in the US (pdf). While malaria is not a disease that affects many people in the US, it is big business worldwide. Malaria causes 300 to 500 million infections and over 1 million deaths each year. Treating this disease with quinine used to cost pennies a day. In fact, the British turned this treatment into a cocktail, the gin and tonic (quinine water). ¶ Another drug removed was the antihistamine carbinoxamine, which was created prior to needing FDA approval, in the early 1950s. It was approved by the FDA in a slightly modified form in 2006. It is now sold exclusively by Mikart, Inc and PamLab, LLC with no future competition because the FDA has banned all 120 other versions of carbinoxamine. You can imagine just how much that must increase the profits for Mikart and PamLab on carbinoxamine, though that seems to come at the expense of consumers. ¶ It's really nice being granted a government monopoly. ¶ As for the drugs now being banned in this latest purge, you can argue that it's not really 500 drugs, because many are different combinations of the same 50 to 100 drugs. To be sold, these disapproved drugs will require drug trials and certification - a massive and expensive process. Under current law, after successful completion of FDA trials these drugs will be granted approval. But in every case these trials are almost certainly not necessary. And, "coincidentally" in almost every case, there is a chemically similar patented version ready to go. This is a pure money grab: replacing old tried and true drugs, with monopoly priced prescription drugs. It just requires removing competing drugs from the market to increase profits. ¶ And with that, I'm off to go have a gin and tonic, while it's still legal...

Solvency

Solvency: Congress k

The FDA is failing- congressional action right now key to solve

Levin 06- MPH, Center for Medical Consumers (Levin, Arthur A.; June 2006; FDA Credibility and New Information About Cox-2 Inhibitors; medicalconsumers.org; 08/07/15; <http://medicalconsumers.org/2006/06/01/fda-credibility/>) JG

Public confidence in the FDA's ability to protect users of prescription drugs from harm is slipping, according to a recent Wall Street Journal Online/Harris Interactive poll. When asked about how well the FDA is doing to ensure that new prescription drugs are safe, almost six out of every ten people polled said it was doing only a fair or poor job. When the same question was asked in a similar 2004 poll, a majority of respondents praised the FDA's performance. ¶ This should come as no surprise. Over the last few years FDA has been rocked by controversy over its handling of prescription drug safety. The most notable have been: FDA's reluctance to acknowledge that antidepressants (Paxil, Effexor and Prozac among others) might increase the risk of suicide among children and adolescents; failing to respond quickly to emerging evidence that heart attacks and strokes were linked to the popular painkillers known as COX-2s (Vioxx, Bextra and Celebrex); and most recently, an almost begrudging acceptance of a duty to warn doctors and users about serious cardiac harm from attention deficit hyperactivity disorder drugs (ADHD) Ritalin, Adderall and others. ¶ The latest information about COX-2 and ADHD drugs safety may further tarnish the FDA's image. Recently, experts have reviewed new data and concluded that the risk of heart attack and stroke associated with COX-2 pain relievers starts earlier and lasts longer than previously thought. As a result, previous estimates of tens of thousands of users put in harm's way by these drugs may have to be revised upwards. And a study by the Centers for Disease Control and Prevention estimates that 3,075 people visited hospital emergency rooms in 2004 because of adverse reactions to ADHD drugs. ¶ Arguably, it's the FDA's safety lapses related to COX-2 drugs that may do the most damage. In May, Merck & Company announced results from a year-long followup of participants who had been in a study designed to test whether Vioxx prevents colon polyps. This study, which compared the painkiller to a placebo, had to be stopped ahead of schedule in 2004 because safety monitors observed that Vioxx users suffered twice the number of heart attacks and strokes as those not on the drug—a finding that led Merck to withdraw Vioxx. ¶ After the study had been stopped, the participants continued to be followed for one year. The results were recently touted in Merck press releases as good news because the people who had stopped taking Vioxx purportedly showed no increased risk of a cardiac event. But several drug safety experts looked at the same study results and came to an entirely different conclusion, according to an article in The New York Times. "What it shows us is that you can stop taking Vioxx, and based on this study, for the next year you're still at increased risk," said cardiologist Steven E. Nissen, MD, of the Cleveland Clinic. Bruce M. Patsy, MD, of the University of Washington called on Merck to follow the colon polyp trial participants beyond one year—until it knew with certainty whether or not Vioxx caused long-term heart damage. "That would be an honorable thing to do." ¶ The news gets worse. National Public Radio recently asked clinical trial expert Curt Furberg, MD, of Wake Forest University to review a confidential report from Merck to the FDA which contained yet another analysis of data from the colon polyp study. In the NPR interview, Furberg said the original 2004 safety analysis that led Merck to withdraw Vioxx purportedly showed that "it takes about 18 months [of use] to see an increase in risk." However, after reviewing the latest data, Furberg concluded, "The risk appears to be present from the beginning, and it increases gradually over time." Amazingly, Merck admitted its error and confirmed Furberg's analysis, according to a May 31 New York Times article. ¶ Concern about COX-2 toxicity will likely lead to a new round of questions about the FDA's competence to protect the public. What must not be lost in the finger pointing is that Congress has chronically underfunded the FDA and not given it adequate regulatory muscle to do its job. Legislation to bolster the agency's drug safety programs remains stalled in Congress. With mid-term elections this November, what better time to demand that our elected representatives finally take action to fix FDA's safety shortcomings.

Solvency: Reform/WB Key

FDA's in cohorts with big pharma- Reform is key to revitalize the agency

Mercola No Date- world-renowned physician and multiple New York Times bestselling author (Mercola, Dr. Joseph; The FDA exposed; mercola.com; no date; 08/07/15; <http://www.mercola.com/downloads/bonus/the-FDA-exposed/default.aspx>) JG

Do you read the labels of food and drugs to know exactly what you're getting before buying them? Or do you randomly pick something off the shelf, trusting that everything is safe because it wouldn't be sold if it wasn't?¶ As a consumer, you may expect that products sold over-the-counter or at supermarket shelves are safe because the Food and Drug Administration (FDA) has got your back.¶ But don't be lulled into a false sense of security because you are about to find out why the FDA is actually a public enemy rather than a public watchdog!¶ The FDA is officially sworn to protect public health by assuring the safety and security of America's food supply, products, medicine and medical devices; make them safer, more effective and more affordable; and, provide the public with the information about food and medicine that they need to improve their health.¶ And yet, despite numerous FDA regulations, death from adverse drug reactions is still one of the leading causes of death in the U.S., killing at least 106,000 yearly!¶ Most of these deaths are from EXPECTED adverse reactions because they are an extension of the drugs' actions. A mere 6 percent of all adverse drug reactions are properly identified.¶ As a result, the mortality rate for people between ages 45-64 who took their prescription drugs correctly rose 90 percent in just five years!¶ Even if you check the labels or not, the safety of the products you consume has been compromised by the very agency assigned to protect them!¶ The Free Report THE FDA EXPOSED reveals the true colors of the FDA and tells you how it has betrayed the public trust by becoming an agency no longer concerned with keeping Americans safe and healthy and is now driven by greed and profit.¶ For a Dangerous America?¶ The FDA has lost face because it is now too closely linked with big pharmaceutical companies. It's more beneficial and profitable for "Big Pharma" to have more unhealthy people because that would mean more drug sales.¶ Even the FDA's own scientists have cast a doubt on the agency's credibility. And it's not just Dr. David Graham, the FDA scientist who exposed the dangers of prescription drug Vioxx. A 2002 survey revealed that more than hundreds of FDA scientists lacked confidence in the agency's ability to "adequately monitor the safety of prescription drugs once they are on the market." Others questioned the FDA's drug assessment and labeling processes.¶ With the FDA and Big Pharma seemingly in cahoots, unsafe drugs are getting approved and natural medicine is being persecuted because it poses a threat to big drug companies.¶ If natural medicine is suppressed, it means that you no longer have the choice to pick safer alternatives to improve your health and will have to rely on all the wonderful drugs that Big Pharma is cooking up!¶ The FDA has put health freedom in danger and is seeking to eliminate natural health alternatives through a campaign of censorship, distortions, and lies.¶ In THE FDA EXPOSED, you'll learn:¶ The truth about the FDA and why it is no longer fit to safeguard your health¶ How the FDA systematically puts natural medicine, particularly dietary supplements, on the shelf and out of your reach to protect the interests of big drug companies¶ The FDA's violent raids on natural health practitioners and the dangerous drugs it had approved that caused thousands of deaths¶ The FDA's sinister plan to speed up the development of drugs and use toxicology to assess the safety and value of nutritional supplements¶ Americans are paying billions of hard-earned dollars in health care and drugs but are not getting any healthier. Good health has become a luxury, thanks to the FDA drug racket. How many more have to die before the FDA con act is stopped?¶ Are you still willing to have the FDA to safeguard your health?

Solvency: WB k FDA Cred

Whistleblowers key to curtailing FDA collusion with Big Pharma

Mercola 13- world-renowned physician and multiple New York Times bestselling author (08/13/12; Mercola, Dr. Joseph; Shocking Story Reveals How the FDA Is Recklessly Abandoning Drug Safety; mercola.com; no date; 08/08/15; <http://articles.mercola.com/sites/articles/archive/2012/08/13/drug-safety-whistleblower.aspx>) JG

In the wake of shocking reports on how the FDA, terrified of being outed for its questionable practices, spied on its own employees in the hopes of rooting them out before they could become whistleblowers, a new story has emerged on how deep the deceit goes. From marginalizing safety reports to not reading them at all—and then going ahead and approving the drugs in question—the FDA once more stands accused of being little more than a rubber-stamping agency for Big Pharma. ¶ Explosive revelations of an intensive spy operation by the FDA on its own scientists emerged last month. Using sophisticated spy software, the agency tracked and logged every move made by the targeted individuals. The program even intercepted personal emails and copied documents on their personal thumb drives. ¶ The targeted scientists had expressed concern over the agency's approval of dangerous medical imaging devices for mammograms and colonoscopies, which they believe expose patients to dangerous levels of radiation. Now, another whistleblower has stepped forward, and what he has to say about the agency's drug safety reviews is shocking even to the jaded... ¶ Former FDA Reviewer Speaks Out About Systemic Suppression of Safety ¶ Ronald Kavanagh was a drug reviewer for the FDA in the Center for Drug Evaluation and Research from 1998 to 2008. In a recent interview he reveals how the FDA bypassed or ignored safety issues on major drugs approved during his employment. In an interview for the online news magazine Truth-Out, he tells Martha Rosenberg: ¶ "In the Center for Drugs [Center for Drug Evaluation and Research or CDER], as in the Center for Devices, the honest employee fears the dishonest employee. ¶ There is also irrefutable evidence that managers at CDER have placed the nation at risk by corrupting the evaluation of drugs and by interfering with our ability to ensure the safety and efficacy of drugs. While I was at FDA, drug reviewers were clearly told not to question drug companies and that our job was to approve drugs. We were prevented, except in rare instances, from presenting findings at advisory committees. ¶ In 2007, formal policies were instituted so that speaking in any way that could reflect poorly on the agency could result in termination. If we asked questions that could delay or prevent a drug's approval - which of course was our job as drug reviewers - management would reprimand us, reassign us, hold secret meetings about us, and worse. Obviously in such an environment, people will self-censor." ¶ According to Kavanagh, people would be shocked if they knew just how malleable safety data is. As examples, he points out that human studies are typically too short and contain too few subjects to get a clear picture of potential risks. In such a scenario, even a single case of a serious adverse event must be taken very seriously, and data from other longer term safety studies also need to be carefully analyzed. Kavanagh claims he has seen drug reviews where the medical safety reviewer completely failed to make such evaluations prior to the drug's approval. ¶ FDA Actively Thwarts Serious Safety Investigations ¶ There's no telling how many ineffective and/or dangerous drugs and medical devices have been approved and ushered into market through sheer intimidation and bullying, either by pharmaceutical companies or FDA management. Perhaps even more shocking are the revelations that some of the internal rules and regulations of the FDA are clearly designed to thwart serious safety reviews from the get-go. ¶ According to Kavanagh: ¶ "[H]uman clinical pharmacology trials are typically done in Europe, yet clinical pharmacology reviewers at FDA have been barred from analyzing this information prior to studies being conducted in the US. Without being able to do this, we are unable to detect evidence of risks early and cannot provide guidance that would help with the development of the drug in terms not only of safety and proving efficacy, but also with the efficiency and cost effectiveness of the drug's development." ¶ Another loophole that can put your health in serious jeopardy is that drug companies are not required to include adverse events on the drug's label if the adverse reaction is: ¶ Below a certain percentage, and/or ¶ Below double the rate of the adverse event found in a placebo. ¶ According to Kavanagh: ¶ "By this rule, certain serious and potentially lethal adverse events that eventually resulted in a drug being withdrawn from the market would not have had any mention of the adverse events made in the labeling at all." ¶ Kavanagh also claims to have discovered another common loophole used by pharmaceutical companies to circumvent safety issues. They'd simply submit bits and pieces of data to different places, effectively preventing the reviewer to pull it all together. Then, because the safety issues falsely appeared to be negligible, it would be decided that no further evaluation would be necessary... ¶ "On one occasion, the company even told me they were going to call upper management to get a clear requirement for approval that they did not want to fulfill eliminated, which I then saw happen. On another occasion a company clearly stated in a meeting that they had "paid for an approval," Kavanagh says. ¶ "Sometimes we were literally instructed to only read a 100-150 page summary and to accept drug company claims without examining the actual data, which on multiple occasions I found directly contradicted the summary document. Other times I was ordered not to review certain sections of the submission, but invariably that's where the safety issues would be. This could only occur if FDA management was told about issues in the submission before it had even been reviewed. ¶ In addition, management would overload us with huge amounts of material that could not possibly be read by a given deadline and would withhold assistance. When you are able to dig in, if you found issues that would make you turn down a drug, you could be pressured to reverse your decision or the review would then be handed off to someone who would simply copy and paste whatever claims the company made in the summary document."

Solvency: FDA Down: Cong Axn Key

FDA is damaged and confused- congressional action key to revitalize the agency

Baghda 07 (Ramsey Baghda- a Regulation Policy Market Access Contributor, September 2007, Vol. 2, No. 9, The RPM Report, <http://consumersunion.org/pdf/RPMreport0907.pdf>; Avandia and the Commercial Impact of FDA's Credibility Gap; 08/07/15) JG

How Fast is Too Fast and How Slow is Too Slow? One clear challenge for FDA is deciding how quickly and how publicly to react to new risk information. This is the area where agency officials find themselves in a Catch-22: If FDA officials react too quickly, they may not have an authoritative answer. If they take their time to analyze and validate the data, the agency is vulnerable to attacks for being too slow to act. FDA's Galson thinks the agency can do both without compromising its reputation as the worldwide gold standard. "We will have to manage information faster; I think that's been very clear to us for some time," Galson says. "We are speeding it up. We are improving our interactions in the Center, and with changes in information technology, there is no question that we have to get information out to the public as soon as possible, and that's good for patients and doctors as well." In an attempt to upgrade its safety communication efforts, FDA has recently chartered a new advisory group to help specifically on how to explain risks to the public (See "Not the Usual Suspects: FDA seeks New Advisors for Risk Communication Committee," The RPM Report, July/August 2007.) But going public with information much faster isn't always a good idea. In response to the closer attention from Congress and the media on drug safety issues, FDA has gone public with new safety information on several products in recent years that have sent confused messages, messages that probably accomplished very little in terms of changing medical practice—but do contribute to the agency's credibility problems. So what is FDA to do? On the one hand, the agency has Congress, the media and patients demanding more information and regulatory actions on safety issues sooner. On the other hand, drug and biotech companies are asking the agency to shed what they see to be overly cautious review standards. One possible solution is for FDA to get more involved with academic journals before new safety analyses are published. Galson took particular issue with how quickly NEJM published the Nissen analysis, noting that FDA frequently has more information than is available to the public. "I'd be very interested in working more closely with the journals, so that when they are publishing these assessments, we have the opportunity to comment on them." "Of course, we don't want to be in the review process, but being given the opportunity to comment based on additional non-public data that may be available to us would be very beneficial for the public and it may reduce the chances of this 'whipsaw effect,'" Galson said. Within the Avandia drug review group there is a strong belief that the Nissen analysis did not merit the urgent treatment it received from the journal publishers. The data, after all, are publicly available already. In the opinion of some current and former FDA officials, the journal is guilty of hyping the safety analysis. There is a chicken-and-egg quality to that argument, however. Clearly the New England Journal of Medicine did not trust FDA to handle the safety issue appropriately—further evidence of the damage done by the agency's credibility problem. And, whether the journal should or should not have rushed to publication, the impact of the article on medical practice is undeniable: doctors changed their prescribing habits in response to the signal in a way that they hadn't changed them before. If the information in the article wasn't new, clearly it hadn't permeated the physician community yet. In any event, greater involvement in the external data review process of medical journals is a stopgap at best. Until FDA finds the right balance between speed and rigor when it comes to drug safety, it's only a matter of time before the next Avandia.

Solvency: FDA at Risk: WB Key

FDA full of problems – Whistleblowers key to expose them

Grassley 6 (Sen. Charles Grassley, United States Senator from the state of Iowa, Chairman Committee on Finance; letter to Andrew C. von Eschenback, M.D., Acting Commissioner of the US Food and Drug Administration; Published in Press Release; “Grassley Outlines Problems at FDA, Urges Reforms”; The United States Senate Committee on Finance; September 20, 2006;

[//HB">http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200\)//HB](http://www.finance.senate.gov/newsroom/chairman/release/?id=86589465-6ce7-426c-9972-2e2c22b31200)

Others also have identified serious leadership problems at the FDA. Editorial pages of publications across the nation, including a number of the most esteemed scientific journals, have recognized and expressed outrage at the FDA’s failures in recent years. The Government Accountability Office (GAO), the independent and non-partisan agency that works on behalf of Congress and the American people, has also identified serious and systemic problems at the FDA. Still, **the most powerful messages** come from the increasing numbers of current and former FDA personnel, who often come forward at great personal and professional expense to express their disenchantment that the FDA has lost its way and **“sold out” to the industries it is charged to regulate.** In the face of such criticism, the FDA appears to be focused on damage control rather than addressing its core problems. As a science-based agency, the FDA is remarkable for its lack of introspection, second-guessing, and failure to assess its own performance and capabilities in a systematic way. Despite all the recent criticism, the agency does not have a comprehensive plan of action in place to address its weaknesses. Instead, the FDA comes off as an agency in denial that chooses to keep its head in the sand in the hope its problems will go away. I am writing this letter to encourage you to establish and implement a resuscitation plan to restore the FDA’s credibility in the mind of its own employees and the American public. An agency that hemorrhages whistleblowers is an agency needing critical care. The following concerns are by no means comprehensive, but they illustrate several common themes of my oversight of the FDA.

Impacts

Impacts: FDA k Econ

FDA competence key to the economy and national security

Mercola 15- world-renowned physician and multiple New York Times bestselling author (Mercola, Dr. Joseph; 07/08/15; Shocking Story Reveals How the FDA Is Recklessly Abandoning Drug Safety, Health Impact News; <http://healthimpactnews.com/2012/shocking-story-reveals-how-the-fda-is-recklessly-abandoning-drug-safety/>) JG

The FDA's mission statement reads as follows: "The FDA is responsible for protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. The FDA is also responsible for advancing the public health by helping to speed innovations that make medicines and foods more effective, safer, and more affordable; and helping the public get the accurate, science-based information they need to use medicines and foods to improve their health."

In 2007, a report bearing the revealing title "FDA Science and Mission at Risk" by the Subcommittee on Science and Technology³, detailed how the FDA cannot fulfill its stated mission because: **Its scientific base has eroded** and its scientific organizational structure is weak. Its scientific workforce does not have sufficient capacity and capability, and its information technology (IT) infrastructure is inadequate. Furthermore, the report found that **"the development of medical products based on "new science" cannot be adequately regulated by the FDA,** and that the agency does not have the capacity to carry out risk assessment and analysis. Additionally, the agency's science agenda "lacks coherent structure and vision, as well as effective coordination and prioritization."⁴ **The fact that the FDA does not have its ducks in a row;** has sorely misplaced its priorities; and is not working to fulfill its mission is clearly evidenced in the numerous cases where hundreds and sometimes thousands of complaints about dangerous drugs (like Vioxx and Avandia), vaccines (like Gardasil), and additives (like aspartame) are stubbornly ignored, while SWAT-style teams armed to the teeth are sent to raid supplement makers, whole food businesses, organic farmers, and raw dairies when oftentimes not a single incidence of harm can be attributed to their products.⁵ According to the Science and Technology Subcommittee's report, **the failures of the FDA is placing the health of Americans, and indeed the economic health of the entire nation, at grave risk;** "The FDA constitutes a critical component of our nation's healthcare delivery and public health system. **The FDA, as much as any public or private sector institution in this country, touches the lives, health and wellbeing of all Americans and is integral to the nation's economy and its security.**"⁶ The FDA's responsibilities for protecting the health of Americans are far-reaching. The FDA protects our nation's food supply through regulatory activities designed to cover 80 percent of the food consumed in this country. The FDA also regulates all drugs, human vaccines, and medical devices, and hence plays a critical role in ensuring the appropriate safety and efficacy of rapidly emerging medical products.⁷ ... **The FDA is also central to the economic health of the nation, regulating approximately \$1 trillion** in consumer products or 25 cents of every consumer dollar expended in this country annually.. **Thus, the nation is at risk if FDA science is at risk.** The Subcommittee concluded that **science at the FDA is in a precarious position: the Agency suffers from serious scientific deficiencies and is not positioned to meet current or emerging regulatory responsibilities.**"

Impacts: WB k Public Health

Current protections are inadequate—only whistleblowers can rectify the FDA and USDA’s commercial practices that endanger public health

Lovera 11 (Patty, the founder and Executive Director of Food & Water Watch who worked extensively on food, water, energy and environmental issues at the national, state and local level / author of *The Battle Over the Future of Food and Farming in America* about the corporate consolidation and control over our food system “Why We Need Whistleblowers to Keep Our Food Safe” February 18th, 2011 www.foodandwaterwatch.org/blogs/why-we-need-whistleblowers-to-keep-our-food-safe/, *cayla_*)

Great news for consumers: the Food Safety Modernization Act establishes whistleblower protections for the food industry, which can help make our entire food chain safer. In the food safety world, sometimes it seems like there isn’t much good news, but a conference last week shined an encouraging spotlight on one thing that could avert a lot of foodborne illness before it hits consumers. On Friday, Feb. 11, Food & Water Watch’s Senior Lobbyist Tony Corbo and I participated in the Employee Rights and the Food Safety Modernization Act Conference sponsored by the Government Accountability Project’s Food Integrity Campaign and co-hosted by American University Washington College of Law. This conference was particularly well-timed since the Food Safety Modernization Act (FSMA) that President Obama signed into law in January establishes for the first time private sector whistleblower protections specifically for the food industry. This is great news for consumers – giving food industry whistleblowers legal protection to speak out against potential problems can help make our entire food chain safer. Hearing the stories of whistleblowers whose lives were torn apart because they spoke out to protect consumers’ safety was extremely powerful. People like Kit Foshee, the former corporate quality assurance manager at Beef Products, Inc. (BPI) who openly questioned BPI’s practice of using ammonia to “cleanse” microbes from beef trim, and Former Peanut Corporation of America (PCA) assistant plant manager Kenneth Kendrick, who repeatedly reported to the Texas Department of Health incidences of rat infestation at his plant, put their necks on the line because it was the right thing to do for public health. Hopefully these new whistleblower protections will encourage more workers to speak up if they witness something going wrong. I participated in the first panel discussion of the day, A Century in Food: Evolving trends affecting the U.S. food supply with American University Law Professor Lewis Grossman, Caroline Smith DeWaal from the Center for Science in the Public Interest, lawyer and author Michele Simon and moderated by GAP Executive Director Mark Cohen. As the title suggests, we had the assignment of giving the big picture view of how the American food system has evolved over time; how our government has (and hasn’t) kept up with those changes, and the impacts of globalization and industrialization on the safety and quality of our food supply. One of the primary issues that percolated throughout the conversation is that the FDA is light years behind on being able to deal with safety issues in our current food system, which is why the FSMA was so desperately needed. And although it is now law, there is a massive amount of work that needs to be done to put the law into practice. Without agency rules to put into effect or funding to hire new inspectors, the law won’t make the changes we need. Just as prominent in the conversation was the fundamental root cause of our food safety problems – the consolidation at every step of the food chain that has changed the way we produce, process, distribute and sell food and has created a powerful lobby in D.C. that makes changing policy way too difficult. Like any good discussion of big picture food trends, two popular topics came up – Walmart and climate change. On the Walmart front we talked about the role Walmart and other mammoth industrial players played in creating lots of food system problems and our skepticism that these entities who have caused the problems can effectively create their own “solutions” and standards. This must be the role of government – to establish and enforce functional standards that protect citizens. On climate change, the discussion ranged from the very specific issues it will cause for food safety – new emerging pathogens driven by a changing environment – to sweeping disruption to agriculture as a whole and how our very consolidated industrialized system is not equipped to adapt well to such disruption. Tony participated in the last panel of the day, Are We There Yet?: Next steps for improving whistleblower and food safety about where we go from here. While the passage of the FSMA whistleblower provision is a strong first step, panelists provided their expert views on how whistleblower rights should be implemented and improved, particularly for migrant workers and government food safety employees. Tony illustrated the importance of whistleblowers by telling the stories of USDA meat inspectors who have blown the whistle to expose very serious problems with how meat inspection was being run by USDA management. Safeguarding private sector whistleblowers is a key piece of what needs to change in our food system, but it’s only part of the equation. Government whistleblowers too should have the same protections, if not more since they are directly charged with protecting the public. This conference was a good first step in that direction.

Impacts: FDA Ties Kill

FDA's complicity with big pharma has already lead to thousands of deaths

INH 13 (The Institute for Natural Healing- an independent research organization; April 17, 2013; FDA and Big Pharma—Partners in Crime; 08/07/15; <http://www.institutefornaturalhealing.com/2013/04/fda-and-big-pharma-partners-in-crime/>) JG

As long as dangerous drugs continue to rake in billions of dollars, the FDA will continue to approve them. And keep them on the market. Regardless of the dangers.¹ Prime example...¹ Lawsuits keep adding up against Pradaxa, a drug that's only been on the market about two years. Pradaxa is a blood thinner used to prevent strokes.² The FDA approved it as an alternative to warfarin, also known as Coumadin, because of the dangers linked to it.¹ Warfarin's side effects make it one of the leading causes of emergency room deaths. In 2011 alone, it caused 1,106 serious adverse events and 72 deaths.³ But that's nothing compared to its "safer alternative."⁴ Pradaxa had 3,781 adverse events in 2011. That includes 542 deaths and 2,367 hemorrhages. That's more than any of the other 800 monitored pharmaceutical drugs.⁴ This is a drug that in clinical trials worked "better than" warfarin. They even said it was safer.⁴ The FDA's safety report from last November states that Pradaxa's bleeding rates "do not appear to be higher" than warfarin.⁵ But just a little over a month later, the FDA released another report. And this time it stated that the risk of major bleeding from Pradaxa is six times higher than with warfarin.⁶ Now that's a pretty fast about-face...¹ Remember, Pradaxa got approval as the safer alternative to warfarin. So now that the FDA knew it was actually more dangerous, did they pull it off the market? You bet they didn't.¹ Despite the lawsuits, the number of adverse events, and all the deaths linked to Pradaxa, the FDA still allows doctors to hand out prescriptions. Millions of them.¹ Why? Because Pradaxa brings in over \$1 billion a year. It costs 60 times more than warfarin. And the FDA knows better than to bite the hand that feeds them. Big Pharma's big pockets help fund the organization that's supposed to protect you from exactly this sort of abuse.¹ If you wonder how such dangerous drugs gain approval in the first place...¹ Before the FDA approves drugs they must go through numerous clinical trials. But drug companies rarely publish all the findings. More than half of them ever even see the light of day.⁷ And if they are finally published, it can be years after the drug has been approved.¹ The reason drug companies rarely make their findings public? It's simple. They're not happy with the results. And that's exactly what happened here. Although the pharmaceutical company discovered the dangers of Pradaxa, they needed approval. So they just hid their dirty little secrets.¹ And it certainly isn't an isolated example. The same thing happened with the FDA-approved diabetes drug Avandia. Studies found that the drug increased heart attacks and cardiovascular deaths. Big Pharma kept 35 of the drug's 42 clinical trials a secret to gain approval.¹ The drug Multaq used to treat irregular heartbeats also falls into the category. Big Pharma concealed a study that found the drug caused more deaths than the placebo.⁸ Yet the FDA approved it.¹ Concealing studies is common and widely known about... During court cases judges routinely require drug companies to turn in all studies and data.⁹ Published and unpublished.¹ "Concealment of data should be regarded as the serious ethical breach that it is, and clinical researchers who fail to disclose data should be subject to disciplinary action by professional organizations," wrote Richard Lehman of the University of Oxford, and Elizabeth Loder, a BMJ editor.¹ Most of these studies are funded by the federal government. That means we are footing the bill for studies that Big Pharma withholds so they can sell us expensive, dangerous drugs.¹ Problem is, the people who are supposed to deliver that "disciplinary action" are accessories to the crime.¹ By withholding vital clinical studies showing dangerous and deadly side effects, the FDA and Big Pharma put lives at risk. They also drive up healthcare costs. Just look back at the cost difference between Pradaxa and warfarin.¹ How many lives need to be lost until the FDA changes its practices? Take a stand to reform the FDA. Click [HERE](#) to sign a petition and voice your outrage.

Impacts: FDA k Pharma

Credible FDA key to the pharmaceutical industry.

Baghda 07 (Ramsey Baghda- a Regulation Policy Market Access Contributor, September 2007, Vol. 2, No. 9, The RPM Report, <http://consumersunion.org/pdf/RPMreport0907.pdf>; Avandia and the Commercial Impact of FDA's Credibility Gap; 08/07/15) JG

For GlaxoSmithKline PLC, an FDA advisory committee recommendation that the diabetes drug rosiglitazone (Avandia) stay on the market is cause for celebration. There hasn't been a lot of good news for Avandia this year, but the overwhelming vote that the drug on the market, albeit with new warnings, was the best outcome possible for the company. "We welcome this decision as positive for patients," GSK chief medical officer Ronald Krall said after the committee vote. "The committee recognized the debilitating nature of this disease and the importance of multiple treatment options." But the rest of the pharmaceutical industry shouldn't break out the champagne just yet. The committee may have saved Avandia, but at the cost of further undermining FDA's already damaged image as a decisive regulator. A common misconception percolating in drug and biotech companies is that FDA's image problem is strictly an inside-the-Beltway issue. It's not. FDA's credibility gap ranks as one of the most pressing business problems for drug sponsors for the foreseeable future. The credibility gap creates unprecedented unpredictability in drug development, approval, and marketing. Until it is fixed, that unpredictability will hover over the agency and the industries it regulates. (See Exhibit 1.) That is why the Avandia decision may continue to erode the climate for drug development across the board. The joint panel meeting of the Metabolic & Endocrinologic and Drug Safety & Risk Management advisory committees on July 30 undercut FDA's credibility in the eyes of the public in two key ways. By Ramsey Baghda Related Articles More Leaks in the D Who's the New Whistleblower on Avandia? FDA Fast Talk: Hear Advisories with Un Advice THE RPM REPORT Page 1 of 13 http://therpmreport.com/EMS_Base/Agent.aspx?Page=/Content/2007500150.aspx 9/12/2007 (1) The panel voted almost unanimously in favor of two recommendations that should be mutually exclusive: Avandia increases the risk of heart attacks but Avandia should remain on the market. The two discordant votes presented FDA with a confusing message to deliver to the public. The experts view Avandia as having a serious safety signal, but they want the drug to remain available for use. For the medical community, that decision can make sense. As a message from an entrusted public regulatory body, it seems almost indefensible. (2) The meeting showcased the fissure between FDA's Office of New Drugs (the premarket drug review group) and Office of Surveillance & Epidemiology (the postmarketing safety surveillance group). To the outside observer, and FDA has many now because of the numerous high visibility drug safety issues, it looked like FDA itself has no idea what to do with Avandia, since two high level officials essentially contradicted each other about whether the drug should stay on the market. The unprecedented public disagreement also lends support to critics of the agency who claim the new drug group is biased in favor of leaving dangerous drugs on the market too long. The last thing industry needs right now is more damage to FDA's already battered credibility. But that is precisely what happened in the Avandia review. The "Whipsaw Effect": The Cost of FDA's Loss of Credibility If you don't think a weak FDA can hurt the drug industry, think again. The cost may be impossible to quantify—or it may be surprisingly easy. How about \$13 billion? That is how much value GSK lost from Wall Street's initial reaction to the Avandia safety signal. On May 21, a meta-analysis showing a 43% increased risk of heart attack for Avandia patients compared to control was published in an electronic version of the New England Journal of Medicine. The analysis was conducted by Cleveland Clinic cardiologist Steve Nissen and his colleague Kathy Wolski. That same day, GSK lost 8% of its market cap, or \$13 billion. The stock market was in no mood to wait for FDA to speak on the issue. The market sees, for all practical purposes, that drug safety determinations have been ceded to outside figures with the reputation and ability to generate headlines. Would GSK have lost billions if the investment community trusted FDA as the final word on drug safety? There's little doubt Glaxo's stock price would have taken a hit, but a \$13 billion hit in one day? "No, I think [the hit] would have been less," MedImmune Inc. CEO David Mott says. Mott isn't alone. "If there was a stronger FDA, then people wouldn't have been as quick to judge Avandia based on what may not be a thorough analysis," agrees Sam Colella, cofounder and managing director of the hedge fund Versant Ventures. THE RPM REPORT Page 2 of 13 http://therpmreport.com/EMS_Base/Agent.aspx?Page=/Content/2007500150.aspx 9/12/2007 And it's not only Wall Street that's

not waiting for FDA's response. Physicians fell in line with the safety assessment by Nissen: 40% of GSK's Avandia business evaporated in just over three months since the meta-analysis was published at the end of May—a remarkable hit considering the drug has been on the market for eight years. Maybe most important to the agency itself, Congress isn't waiting for FDA anymore either. The same day the NEJM study was published, House Oversight & Government Reform Chairman Henry Waxman (D-Calif.) issued a press release announcing a June 6 hearing on the safety of Avandia—hours before FDA was able to get out its own press release about a scheduled media briefing on the study later that day. As a result, the media and the public knew FDA officials were going to testify before Congress, essentially to defend themselves against negligence, before they knew what FDA had to say about the merit of the findings.

Pharmaceuticals key to the overall economy- total GDP, jobs, and productivity

PHRMA No date- a trade group representing the pharmaceutical research and biopharmaceutical companies in the United States (PHRMA; The Biopharmaceutical Industry Helps Strengthen the U.S. Economy - See more at: <http://www.phrma.org/economic-impact#sthash.6fXog2vL.dpuf>; <http://www.phrma.org/economic-impact>; no date; 08/07/15; <http://www.phrma.org/economic-impact>) JG

A major contributor to the U.S. economy, the biopharmaceutical sector generates high-quality jobs and powers economic output for the U.S. economy, serving as the “the foundation upon which one of the United States’ most dynamic innovation and business ecosystems is built,” according to the Battelle Technology Partnership Practice. These economic impacts are driven by the industry’s research and development (R&D) enterprise. The U.S. biopharmaceutical sector accounts for the single largest share of all U.S. business R&D, representing 23.4 percent of all domestic R&D funded by U.S. businesses in 2013, according to data from the National Science Foundation. R&D Sector Comparison. PhRMA members have invested more than half a trillion dollars in R&D since 2000, including an estimated \$51.6 billion in 2013 alone. The impacts of this spending and the sector’s broad support for biomedical research ripple across the economy. - See more at: <http://www.phrma.org/economic-impact#sthash.6fXog2vL.dpuf> The U.S. biopharmaceutical sector employs more than 810,000 workers and supports a total of 3.4 million jobs across the country. The industry helps support a vibrant scientific and economic ecosystem that is vital to the U.S. economy and our country’s competitiveness in the global market. Biopharmaceutical companies put down roots in communities across the country, helping to generate jobs across a whole range of sectors, from suppliers to retail to personal services. The jobs the industry creates have high wages and require a workforce with diverse skills and educational levels, from Ph.D. scientists to entry-level technicians, to support staff of all kinds. In 2011, the average annual total compensation for biopharmaceutical workers was \$110,490, compared with \$54,455 for all U.S. workers. Overall economic contribution. As measured by Battelle, the overall economic impact of the biopharmaceutical sector on the U.S. economy totals about \$790 billion on an annual basis when direct, indirect and induced effects are considered. This figure includes vendors and suppliers throughout the country that assist biopharmaceutical companies in the discovery, development and delivery of medicines for patients. To provide insight into the breadth of the industry’s impact in the form of business relationships with vendors large and small, a recent analysis by We Work for Health aggregated data from 17 innovative companies across 17 states. The analysis found that in 2011, these biopharmaceutical companies spent approximately \$53 billion in transactions with vendors and suppliers in these states. Although just a snapshot of the sector’s total impact, these findings demonstrate the importance of a strong and vibrant biopharmaceutical industry in helping other businesses to grow and contribute to a strong local economy. Vendor data from this analysis, broken down by congressional and state legislative district, can be viewed on www.weworkforhealth.org. Boosting State and Regional Economies. Biopharmaceutical companies collaborate with local research institutions across the country—including clinical research centers, university medical schools, hospitals, and foundations—to carry out clinical trials, providing patients access to potential new treatments as well as creating local jobs. A PhRMA program called “Research in Your Backyard” helps to illustrate the impact trials have on communities around the country. Twenty state reports developed by the program have been released highlighting the biopharmaceutical economic impact on these communities through clinical trials. More broadly, the biopharmaceutical industry and its extensive supply chain have a significant economic impact on jobs and economic output across the country. Research from the Battelle Technology Partnership

Practice provides estimates of this economic impact for the U.S. and for selected states. ¶ Increasing productivity ¶ Another aspect of the economic impact of medicines is their potential to improve productivity in the workplace through reduced absenteeism or disability leave, which benefits both individual patients and the economy as a whole. Several of the most common chronic conditions are estimated to have a combined cost to the economy of more than \$1 trillion annually in lost productivity. Examples of improved productivity include: ¶ Rheumatoid Arthritis: Researchers at the Integrated Benefits Institute found that high cost sharing for rheumatoid arthritis medications decreased adherence and led to increased incidence and longer duration of short-term disability leave. Researchers estimated that when workers with arthritis take their medication as directed, their lost productivity drops by 26 percent. ¶ Chronic Conditions: Research shows that workers diagnosed with diabetes, hypertension, dyslipidemia, asthma or chronic obstructive pulmonary disease who are adherent to prescribed medicines were absent up to seven fewer days from work and used five fewer days of short-term disability compared with non-adherent workers. ¶ - See more at: <http://www.phrma.org/economic-impact#sthash.6fXog2vL.dpuf>

Impacts: FDA Cred k Biotech

Aquaculture and food based biotech are inevitable -- FDA cred is key to its efficacy and to feed global populations

Jurma, 11 [June 23, 2011, Calestous Juma, PhD Professor of the Practice of International Development Belfer Center for Science and International Affairs Harvard Kennedy School, Harvard University Testimony to the US House of Representatives Committee on Agriculture Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture, <http://www.hks.harvard.edu/news-events/news/testimonies/juma-agricultural-biotechnology>]

OPPORTUNITIES FOR INTERNATIONAL BIOTECHNOLOGY COOPERATION The United States has been an important leader in promoting plant biotechnology. It is for this reason that African countries are starting to adopt GM crops. But their nutritional requirements are not limited to crops. Another important area of interest to Africa is protein derived from livestock and fish. Advances in genomics provide tools that can help countries to farm breeds that confer health benefits to the population and help address emerging challenges such as obesity. But little of this will happen without the kind of sovereign leadership that the United States has been providing on science-based regulatory approaches. One of the most sustainable forms of meat protein to farm is fish. For every pound of meat produced, fish consume less than 15% of the feed required by land animals such as cattle. Farmed fish are a staple not just for industrialized countries, but even more so for emerging nations of the world. Aquaculture is emerging as an important substitute for wild fish whose stocks are being depleted at an alarming rate. The role of biotechnology in aquaculture represents one of the key tools that could enable humanity to expand protein production in a sustainable way. The United States needs follow its own lead in agriculture and provide regulatory support to sustainable aquaculture. I understand this House passed an amendment to the Agriculture Appropriations Bill that would effectively prevent the Food and Drug Administration (FDA) from completing its safety assessment of the first food fish that makes use of this technology, an Atlantic salmon that reaches full size rapidly and consumes less feed than other fish of its kind. It is not this particular fish that is at stake. It is the principle behind the amendment and its wider ramifications. It sends the message to the rest of the world that the science-based regulatory oversight as embodied in the FDA review process is subject to political intervention. Furthermore, it signals to the world that the United States may cede its leadership position in the agricultural use of biotechnology. Biotechnology is vital to feeding the world in the present and even more so in future, and I believe it is imperative that the United States stay the course it has set in not letting politics interfere with its science-based regulatory system that is truly the envy of the world.

The changing outlook was recently demonstrated by the outcomes of the "International Conference on Agricultural Biotechnology in Africa: Fostering Innovation" held on May 13- 14 in Addis Ababa, Ethiopia. It stressed the urgency to build capacity in Africa to enable the conference facilitate the application of biotechnology in

agriculture (covering crops, fisheries, livestock and conservation of biological diversity). The conference also underscored the importance of pursuing biotechnology in a safe and sustainable manner in keeping with enabling biosafety laws. Events like demonstrate the growing commitment and interest among African countries to contribute to global efforts to address food security. The impact of their dedication will be limited unless they are able to benefit from the prior knowledge and expertise accumulated in other countries. This is where **the United States can serve as a role model in the use of biotechnology in agricultural transformation** and science-based approaches in regulation. It is only by helping countries around the world to adopt modern biotechnology can we hope for a brighter agricultural future. America's leadership in this field can help humanity avoid being seduced by the dim light of technological stagnation.

Impacts: FDA Cred k Food

Aquaculture and food based biotech are inevitable -- FDA cred is key to its efficacy and to feed global populations

Jurma, 11

(Calestous Juma, PhD Professor of the Practice of International Development Belfer Center for Science and International Affairs Harvard Kennedy School, Harvard University Testimony to the US House of Representatives Committee on Agriculture Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture, June 23, 2011, pg online @ <http://www.hks.harvard.edu/news-events/news/testimonies/juma-agricultural-biotechnology>)

OPPORTUNITIES FOR INTERNATIONAL BIOTECHNOLOGY COOPERATION **The United States has been an important leader in promoting plant biotechnology.** It is for this reason that African countries are starting to adopt GM crops. But their nutritional requirements are not limited to crops. Another important area of interest to Africa is protein derived from livestock and fish. **Advances in genomics provide tools that can help countries to farm breeds that confer health benefits** to the population and help address emerging challenges such as obesity. But **little of this will happen without the kind of sovereign leadership that the United States has been providing on science-based regulatory approaches. One of the most sustainable forms of meat protein to farm is fish.** For every pound of meat produced, fish consume less than 15% of the feed required by land animals such as cattle. Farmed fish are a staple not just for industrialized countries, but even more so for emerging nations of the world. Aquaculture is emerging as an important substitute for wild fish whose stocks are being depleted at an alarming rate. **The role of biotechnology in aquaculture represents one of the key tools that could enable humanity to expand protein production in a sustainable way. The United States needs follow its own lead in agriculture and provide regulatory support** to sustainable aquaculture. I understand this House passed an amendment to the Agriculture Appropriations Bill that would effectively prevent the Food and Drug Administration (FDA) from completing its safety assessment of the first food fish that makes use of this technology, an Atlantic salmon that reaches full size rapidly and consumes less feed than other fish of its kind. It is not this particular fish that is at stake. It is the principle behind **the amendment** and its wider ramifications. It **sends the message** to the rest of the world **that the science-based regulatory oversight as embodied in the FDA review process is subject to political intervention.** Furthermore, **it signals** to the world **that the United States may cede its leadership position in the agricultural use of biotechnology. Biotechnology is vital to feeding the world in the present and even more so in future,** and I believe **it is imperative that the United States stay the course it has set in not letting politics interfered with its science-based regulatory system that is truly the envy of the world.** The changing outlook was recently demonstrated by the outcomes of the "International Conference on Agricultural Biotechnology in Africa: Fostering Innovation" held on May 13- 14 in Addis Ababa, Ethiopia. It stressed the urgency to build capacity in Africa to enable the conference facilitate the application of biotechnology in agriculture (covering crops, fisheries, livestock and conservation of biological diversity). The conference also underscored the importance of pursuing biotechnology in a safe and sustainable manner in keeping with enabling biosafety laws. Events like demonstrate the growing commitment and interest among African countries to contribute to global efforts to address food security. The impact of their dedication will be limited unless they are able to benefit from the prior knowledge and expertise accumulated in other countries. This is where **the United States can serve as a role model in the use of biotechnology in agricultural transformation** and science-based approaches in regulation. It is only by helping countries around the world to adopt modern biotechnology can we hope for a brighter

agricultural future. America's leadership in this field can help humanity avoid being seduced by the dim light of technological stagnation.

Extinction --- causes disease spread, terrorism, and economic collapse

Brown 9

(founder of both the WorldWatch Institute and the Earth Policy Institute, May 2009, Lester R., Scientific American, "Could Food Shortages Bring Down Civilization?" pg Ebsco)

The biggest threat to global stability is the potential for food crises in poor countries **to cause government collapse**. Those crises are brought on by ever worsening environmental degradation. One of the toughest things for people to do is to anticipate sudden change. Typically we project the future by extrapolating from trends in the past. Much of the time this approach works well. But sometimes it fails spectacularly, and people are simply blindsided by events such as today's economic crisis. For most of us, the idea that civilization itself could disintegrate probably seems preposterous. Who would not find it hard to think seriously about such a complete departure from what we expect of ordinary life? What evidence could make us heed a warning so dire--and how would we go about responding to it? We are so inured to a long list of highly unlikely catastrophes that we are virtually programmed to dismiss them all with a wave of the hand: Sure, our civilization might devolve into chaos--and Earth might collide with an asteroid, too! **For many years I have studied global agricultural, population, environmental and economic trends and their interactions. The combined effects of those trends and the political tensions they generate point to the breakdown of governments and societies.** Yet I, too, have resisted the idea that **food shortages could bring down** not only individual governments but also **our global civilization**. I can no longer ignore that risk. Our continuing failure to deal with the environmental declines that are undermining the world food economy--most important, falling water tables, eroding soils and rising temperatures--forces me to conclude that such a collapse is possible. The Problem of Failed States **Even a cursory look at the vital signs of our current world order lends unwelcome support to my conclusion.** And those of us in the environmental field are well into our third decade of charting trends of environmental decline without seeing any significant effort to reverse a single one. In six of the past nine years **world grain production has fallen short of consumption**, forcing a steady drawdown in stocks. When the 2008 harvest began, world carryover stocks of grain (the amount in the bin when the new harvest begins) were at 62 days of consumption, a near record low. In response, world grain prices in the spring and summer of last year climbed to the highest level ever. **As demand for food rises faster than supplies are growing, the resulting food-price inflation puts severe stress on the governments of countries already teetering on the edge of chaos. Unable to buy grain or grow their own, hungry people take to the streets.** Indeed, even before the steep climb in grain prices in 2008, the number of failing states was expanding [see sidebar at left]. Many of their problems stem from a failure to slow the growth of their populations. But **if the food situation continues to deteriorate, entire nations will break down at an ever increasing rate.** We have entered a new era in geopolitics. **In the 20th century the main threat to international security was superpower conflict; today it is failing states.** It is not the concentration of power but its absence that puts us at risk. **States fail when national governments can no longer provide** personal security, **food security** and basic social services such as education and health care. They often lose control of part or all of their territory. When governments lose their monopoly on power, law and order begin to disintegrate. After a point, countries can become so dangerous that food relief workers are no longer safe and their programs are halted; in Somalia and Afghanistan, deteriorating conditions have already put such programs in jeopardy. **Failing states are of international concern because they are a source of terrorists, drugs, weapons and refugees, threatening political stability everywhere.** Somalia, number one on the 2008 list of failing states, has become a base for piracy. Iraq, number five, is a hotbed for terrorist training. Afghanistan, number seven, is the world's leading supplier of heroin. Following the massive genocide of 1994 in Rwanda, refugees from that troubled state, thousands of armed soldiers among them, helped to destabilize neighboring Democratic Republic of the Congo (number six). **Our global civilization depends on a functioning network of politically healthy nation-states to control the spread of infectious disease, to manage the international monetary system, to control international terrorism and to reach scores of other common goals. If the system for controlling infectious diseases--such as polio, SARS or avian flu--breaks down, humanity will be in trouble.** Once states fail, no one assumes responsibility for their debt to outside lenders. **If enough states disintegrate, their fall will threaten the stability of global civilization itself.**

Impacts: FDA Cred k Aquaculture

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Jurma, 11

(Calestous Juma, PhD Professor of the Practice of International Development Belfer Center for Science and International Affairs Harvard Kennedy School, Harvard University Testimony to the US House of Representatives Committee on Agriculture Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture, June 23, 2011, pg online @ <http://www.hks.harvard.edu/news-events/news/testimonies/juma-agricultural-biotechnology>)

OPPORTUNITIES FOR INTERNATIONAL BIOTECHNOLOGY COOPERATION The United States has been an important leader in promoting plant biotechnology. It is for this reason that African countries are starting to adopt GM crops. But their nutritional requirements are not limited to crops. Another important area of interest to Africa is protein derived from livestock and fish. Advances in genomics provide tools that can help countries to farm breeds that confer health benefits to the population and help address emerging challenges such as obesity. But little of this will happen without the kind of sovereign leadership that the United States has been providing on science-based regulatory approaches. One of the most sustainable forms of meat protein to farm is fish. For every pound of meat produced, fish consume less than 15% of the feed required by land animals such as cattle. Farmed fish are a staple not just for industrialized countries, but even more so for emerging nations of the world. Aquaculture is emerging as an important substitute for wild fish whose stocks are being depleted at an alarming rate. The role of biotechnology in aquaculture represents one of the key tools that could enable humanity to expand protein production in a sustainable way. The United States needs follow its own lead in agriculture and provide regulatory support to sustainable aquaculture. I understand this House passed an amendment to the Agriculture Appropriations Bill that would effectively prevent the Food and Drug Administration (FDA) from completing its safety assessment of the first food fish that makes use of this technology, an Atlantic salmon that reaches full size rapidly and consumes less feed than other fish of its kind. It is not this particular fish that is at stake. It is the principle behind the amendment and its wider ramifications. It sends the message to the rest of the world that the science-based regulatory oversight as embodied in the FDA review process is subject to political intervention. Furthermore, it signals to the world that the United States may cede its leadership position in the agricultural use of biotechnology. Biotechnology is vital to feeding the world in the present and even more so in future, and I believe it is imperative that the United States stay the course it has set in not letting politics interfere with its science-based regulatory system that is truly the envy of the world. The changing outlook was recently demonstrated by the outcomes of the "International Conference on Agricultural Biotechnology in Africa: Fostering Innovation" held on May 13- 14 in Addis Ababa, Ethiopia. It stressed the urgency to build capacity in Africa to enable the conference facilitate the application of biotechnology in agriculture (covering crops, fisheries, livestock and conservation of biological diversity). The conference also underscored the importance of pursuing biotechnology in a safe and sustainable manner in keeping with enabling biosafety laws. Events like demonstrate the growing commitment and interest among African countries to contribute to global efforts to address food security. The impact of their dedication will be limited unless they are able to benefit from the prior knowledge and expertise accumulated in other countries. This is where the United States can serve as a role model in the use of biotechnology in agricultural transformation and science-based approaches in regulation. It is only by helping countries around the world to adopt modern biotechnology can we hope for a brighter agricultural future. America's leadership in this field can help humanity avoid being seduced by the dim light of technological stagnation.

Aquaculture solves global food crunch and prevents deforestation

Strasser, 14 --- Senior Editor of ThinkProgress (4/21/2014, Annie-Rose, "The New, Innovative And More Efficient Way Of Feeding People," <http://thinkprogress.org/climate/2014/04/21/3422486/big-ag-takes-to-the-ocean/>)

Don Kent, President of the Hubbs-Sea World Research Institute, was standing in the seafood aisle of a Whole Foods in the affluent San Diego neighborhood of La Jolla recently when he took out his phone and snapped a photo of a fresh-looking branzino. "Branzino is European sea bass," Kent explained. "It's grown in the Mediterranean. And it's flown 6,900 miles from Greece to here and then it's put on ice in La Jolla." Kent, whose organization studies the intersection of nature and human activity and offers solutions on how the two can co-exist, is one of the people who believes there's a different way to approach how we get our protein here in the United States. He insists that there's a new, innovative, and more efficient method of feeding people — not just in La Jolla, but all over the world. Aquaculture. Or, as it's known to most people, fish farming. "We spend 130 million dollars a year on air freight for the 300,000 metric tons of salmon that get flown into the U.S. from Chile. Think of the carbon footprint associated with that," he says. "There's absolutely no reason why that branzino shouldn't be a white sea bass grown three miles off the coast. And then imagine the carbon footprint that's saved in doing that." What, exactly, is aquaculture? The basic idea is that you're farming aquatic life. The specifics, however, vary quite a bit. In the case of fish, eggs are fostered into small fish at a hatchery, raised for food, and farmed whenever they're needed. The fish can be raised in tanks or in net pens, in fresh water, off the coast, or out in the open ocean. And fish are just one kind of aquaculture; a similar process is utilized to farm shellfish — like mussels or oysters — and for seaweeds. Aquaculture right now is in an age of innovation. The advent of indoor tank farming is one promising way fish farming could grow. Another would be going out into the open ocean and dropping fish in large, globe-shaped aquapods down below the surface. "Open-ocean aquaculture is one of the emerging frontiers," says Michael Rubino, Director of the Aquaculture Office at the National Oceanic and Atmospheric Administration. "There's not much of it yet but we have crowded coastlines, we have coastlines that have a lot of new trees and they're shallow, or they're multiple uses, so some people think that going further offshore, you avoid those multiple use conflicts and get a more stable environment." Attempts to take aquaculture offshore include building farms off of decommissioned oil rigs. Farmers also hope it can help them to farm in rougher waters where weather events like hurricanes might get in the way. Some aquaculture groups even hope that there is a way to fuse offshore farms with renewable energy projects. Spend just a few minutes reading news about agriculture and climate change these days, and you'll understand what's driving people to consider scaling up aquaculture: The latest report from the United Nations' Intergovernmental Panel on Climate Change tells us we're headed toward a "breakdown of food systems linked to warming, drought, flooding, and precipitation variability and extremes." Studies come out every week, practically, that say drought threatens our supply of key grains like wheat, corn, and rice. The warming globe is even slowing down cows' production of milk. And not only is our food on the fritz, but it's causing a lot of the problems that seem to be leading to its own demise. Cows, a growing source of protein here in the United States, are major emitters of methane, a potent greenhouse gas. Meat production is also a serious drain on other resources: A quarter pound of hamburger meat uses up 6.7 pounds of grains and 52.8 gallons of water. We're paying a high price to get our protein, and all the while our population is growing at a breakneck speed. There are a lot of hungry mouths to feed. The United Nations has urged "a substantial worldwide diet change, away from animal products" altogether. But aquaculture might be a good stepping stone. "Overall, if we're going to if we're going to adequately nourish the increasing number of billions of people on this planet continue to consume the amount of seafood we consume — OR put more apocalyptically, if we're going to adequately nourish the increasing number of billions of people on this planet," Michael Conathan, Director of Ocean Policy at the Center for American Progress, told ThinkProgress, "more and more protein is going to have to come from aquaculture." Experts say there are myriad reasons why the world can and should shift toward getting more of its sustenance from aquaculture. For one thing, it can be much more efficient than the status quo. "The thing about aquaculture is that from a resource efficiency perspective it's one of the most resource-efficient ways to produce protein in terms of the amount of food and the amount of space it takes," says NOAA's Rubino. "Far more than land animals. You're not using fresh water [to grow crops to feed land animals], and the feed conversion of fish is roughly one to one — one pound of food for one pound of flesh — as opposed to pork or beef where it's seven or ten to one ... So from an environmental footprint perspective, it's very efficient. You can also grow a lot of fish in a very small space. They don't need a lot of space whether it's a pond or a tank, as opposed to grazing land or all the corn or soybeans that it takes to feed animals." As it stands now, 40 percent of the non-water surface of earth is used for agriculture. A whopping 30 percent of land that's not covered in ice is being used not to feed us directly, but to feed the things that feed us, namely chickens, cows, and pigs. One of the effects of this is that agriculture is driving massive deforestation.

Disease Scenario

1AC/2AC Stuff

Academic medicine relies on unethical behavior, but status quo allegations against whistleblowers deter them from bringing due attention to the corruption

Rhodes 03

(R. J. Professor of Mount Sinai School of Medicine "Whistleblowing in academic medicine" 30 June 2003 The Olivieri symposium, J Med Ethics 2004;30:35-39 jme.bmj.com/content/30/1/35.full.html , *cay/a_*)

Although medical centres have established boards, special committees, and offices for the review and redress of breaches in ethical behaviour, these mechanisms repeatedly prove themselves ineffective in addressing research misconduct within the institutions of academic medicine. As the authors see it, institutional design: (1) systematically ignores serious ethical problems, (2) makes whistleblowers into institutional enemies and punishes them, and (3) thereby fails to provide an ethical environment. The authors present and discuss cases of academic medicine failing to address unethical behaviour in academic science and, thereby, illustrate the scope and seriousness of the problem. The Olivieri/Apotex affair is just another instance of academic medicine's dereliction in a case of scientific fraud and misconduct. Instead of vigorously supporting their faculty member in her efforts to honestly communicate her findings and to protect patients from the risks associated with the use of the study drug, the University of Toronto collaborated with the Apotex company's "stalling tactics," closed down Dr Olivieri's laboratory, harassed her, and ultimately dismissed her. The authors argue that the incentives for addressing problematic behaviour have to be revised in order to effect a change in the current pattern of response that occurs in academic medicine. An externally imposed realignment of incentives could convert the perception of the whistleblower, from their present caste as the enemy within, into a new position, as valued friend of the institution. The authors explain how such a correction could encourage appropriate reactions to scientific misconduct from academic medicine. A search through the literature of the last decade provides merely a handful of references to whistleblowing, primarily single page comments. Although medical centres have established institutional review boards (IRBs) to review ethical considerations of experimentation with human subjects, and institutional animal care and use committees (IACUCs) to oversee the ethical use of animals in research and education, little institutional energy has been directed to the ethical oversight of academic behaviour as such. This is not to say that venues for employee grievances and hearing complaints about harassment do not exist: they do, but they are seldom used, they subject the user to bias, and they quite often remain ineffective. Nor is it to say that instances of blatant inappropriate behaviour are never addressed: sometimes they are. We are making a claim of a different sort. Academic medicine has failed to consistently, effectively, and appropriately respond to unethical behaviour. As we see it, institutional design (1) systematically ignores serious ethical problems, (2) regards whistleblowers as enemies of the institution and punishes them, and (3) thereby fails to provide an ethical environment. A series of cases of academic medicine failing to respond properly to unethical behaviour in clinical research that have been discussed in the literature illustrate the scope and seriousness of the problem. The Olivieri/Apotex affair is just another instance of academic medicine's ethical failure in cases of scientific fraud and misconduct. This case involves

funding from a private pharmaceutical company, other cases do not. Yet the significant similarity is that in each instance, instead of supporting the individual who reported a serious ethical problem relating to research, the institution responded with the punishment of the whistleblowers. Recent history, as is illustrated by a series of cases that ultimately reached public attention, makes it unmistakably clear that there can be grave consequences for faculty, students, and staff who report discrepancies and concerns about unethical research behaviour. On 30 October 1995 a report from the Research Triangle Institute on “Consequences of Whistleblowing for the Whistleblower in Misconduct in Science Cases”¹ reported some of the personal costs of whistleblowing, as did the 5 January 1996 issue of Science,² as well as a 1999 issue of Science and Engineering Ethics.³ Whistleblowers are ostracised, pressured to drop allegations, and threatened with counterallegations. They lose desirable assignments, have their research support reduced and their promotions and raises denied. Their contracts are not renewed, and they are fired.⁴ Whistleblowers are obvious targets, especially in a time of financial cutbacks, re-engineering and downsizing, and everyone knows it.

The public’s health is at the expense of corporate interests—the plan provides a means to check the FDA

Bard (Jennifer, Texas Tech University School of Law “What to Do When You Can't Hear the Whistleblowing: A Proposal to Protect the Public's Health by Providing Whistleblower Protection for Medical Researchers” Page 94 April 17, 2011 Indiana Health Law Review, Vol. 9 papers.ssrn.com/sol3/papers.cfm?abstract_id=1813423 , *cayla_*)

The current system of protecting Americans from the dangers of prescription drugs both while they are being developed and after they are on the market is killing the people the drugs are intended to protect. Although **the FDA** has the authority to regulate the research process and to monitor drug safety after approval, it **has not exercised its power in a way that adequately protects the public’s health**. Although there are dozens if not hundreds of different statutes and regulatory schemes which attempt to encourage those who know of danger to the public’s health or pocketbook to bring the information forward, none of them provide adequate incentive or protection in what has become the highly fragmented and complex process of drug development. Individuals with knowledge might be located out of country or internationally and be employed by a variety of different entities including government agencies, pharmaceutical companies, and private universities. In light of the many gaps and weaknesses in the current regulatory system, this Article has proposed several ways to protect the public’s health by providing those with the most knowledge of the process, individuals involved directly in research and development regardless of whether they are employed by public or private employers, with a method of bringing information directly to the FDA’s attention with protection against retaliation. Primarily this Article proposes that companies seeking the FDA’s approval to test or market a new drug in the United States must certify that they have in place a mechanism for those with knowledge to bring information forward to the FDA without fear of retaliation. Any effort to reform a process that has not previously been subject to comprehensive regulation raises many significant normative and logistical problems. It will be necessary for law and policy makers to consider how protection of the public’s health is to be weighed against the interest of research institutions and the pharmaceutical companies, which together develop and profit from the relative lack of regulation over the sale and advertising of prescription drugs

in the United States. As the U. S. population ages and becomes even more reliant on the safety and efficacy of prescription drugs, we cannot simply sit back and let the inadequate and ineffective legal system of regulation continue as it has, but rather we must find a way to provide better protection for those who voluntarily agree to test new drugs as well as those who will someday depend on them for survival.

The timeframe may be long, but the trigger is short—once a disease is introduced, it drives gradual extinction—intervening actors can't check

McCallum 12 (Hamish Professor, Griffith School of Environment Ecology of infectious diseases - Current projects on Tasmanian devil facial tumour disease (ARC, NSF) Hendra viruses in bats and amphibian chytrid fungus, Conservation Biology - Current project on apex predators and biodiversity, and Quantitative ecology “Disease and the dynamics of extinction” The Royal Society Publishing 10 September 2012 rstb.royalsocietypublishing.org/content/367/1604/2828 , *cayla_*)

The role of infectious disease in the history of human society is well known. In contrast, until the pioneering work of Anderson and May [1–4] in the late 1970s, the perception among most ecologists was that ‘well-adapted’ parasites do not harm their hosts. The role of infectious disease as a driver of host population dynamics was therefore underappreciated, and infectious diseases or parasites were rarely considered as significant extinction threatening processes. In theory, however, simple models show that parasites and infectious diseases may, in some circumstances, be capable of being significant contributors to extinction [5]. From first principles, a population declines when there are more deaths than there are births and extinction occurs when there continue to be more deaths than births even as the population declines towards zero. It is therefore necessary to first distinguish between situations in which infectious disease may reduce population size to such an extent that other factors may lead to extinction and cases in which infectious disease contributes to there being an excess of deaths over births even in a vanishingly small population. The most fundamental concept in epidemiology is the basic reproductive number, R_0 , which is the number of secondary infections per primary infection when disease is introduced into a naive population [6,7]. For many (but not all) pathogens or parasites, R_0 is an increasing or saturating function of population size or density [8], leading to the existence of a threshold host population size below which the pathogen cannot persist. The simplest host pathogen models are those in which there is a single host and a single pathogen, no spatial structure, and transmission occurs as a binary collision process between infected and susceptible hosts. In this situation, R_0 is directly proportional to host population size, which means that at a sufficiently small population size R_0 will decrease to below one and the pathogen will no longer be able to persist in the host population. A host-specific pathogen should therefore itself become extinct before it is capable of driving its sole host to extinction [9]. However, such a pathogen maybe able to reduce a population to a sufficiently low level that other factors may lead to the ultimate extinction of the host. Sexually transmitted diseases are particularly likely to have severe effects on their host population and potentially to be able to cause host extinction. Not only are they often transmitted in a frequency-dependent rather than in a density-dependent fashion [10,11], meaning that R_0 depends weakly, if at all, on host density, but also in many cases they affect fecundity rather than mortality. Whereas very

high mortality reduces R_0 because infected animals are rapidly removed from the population, a reproductively suppressed host may remain in the population for an extended period, continuing to spread infection. The number of sexually transmitted diseases in non-human animals is much larger than is commonly supposed [12] and they may be important drivers of extinction.

AT: biodiversity turns disease

There are many empirical instances of disease-induced extinction—biodiversity could act as reservoirs for disease

McCallum 12 (Hamish, Professor at the Griffith School of Environment teaching Wildlife Ecology, Ecology and Conservation of Populations Ecology, and Climate change adaptation “Disease and the Dynamics of Extinction” 10 September 2012 The Royal Society Publishing rstb.royalsocietypublishing.org/content/367/1604/2828 , *cayla_*)

In some cases, the role of infectious disease in extinction is nevertheless fairly clear. There is very good evidence that avian malaria and birdpox were responsible for the extinction of a substantial proportion of the Hawaiian avifauna in the late nineteenth century [18,19]. While there is no direct evidence that any of the 25 [18] species of Hawaiian land birds that have become extinct since the documented arrival of *Culex quinquefasciatus* in 1826 [19] were even susceptible to malaria and there is limited anecdotal information suggesting they were affected by birdpox [19], the observation that several remaining species only persist either on islands where there are no mosquitoes or at altitudes above those at which mosquitoes can breed and that these same species are highly susceptible to avian malaria and birdpox [18,19] is certainly very strong circumstantial evidence. An important contributor to the potential of avian malaria and birdpox to cause extinctions of highly susceptible species is the existence of a range of birds in Hawaii, both native and non-native, that are able to tolerate infections with these pathogens and therefore act as reservoirs [20,21]. A second example of extinction of an island species in which disease is strongly implicated is less commonly known. The formerly abundant endemic rats *Rattus macleari* and *Rattus nativitas* disappeared from Christmas Island in the Indian Ocean (10°29' S 105°38' E) around the turn of the twentieth century. Their disappearance was apparently abrupt, and shortly before the final collapse sick individuals were seen crawling along footpaths [22]. At that time, trypanosomiasis transmitted by fleas from introduced black rats *R. rattus* was suggested as the causative agent. Recently, Wyatt et al. [22] managed to isolate trypanosome DNA from both *R. rattus* and *R. macleari* specimens collected during the period of decline, whereas no trypanosome DNA was present in *R. nativitas* specimens collected before the arrival of black rats. While this is good circumstantial evidence, direct evidence that trypanosomes caused the mortality is limited, except that the one specimen described at the time of collection as suffering trypanosome infection did in fact test positive for trypanosome DNA. As with the Hawaiian birds, the role of a reservoir species able to tolerate infection, in this case the introduced black rat, is critical. For other historical extinctions that have been

blamed on disease, evidence is much weaker. It has been suggested that disease was responsible for the most notorious of Australia's mammal extinctions, that of the thylacine or Tasmanian tiger *Thylacinus cynocephalus*. The suggestion was first made by Guiler [23], who claimed that the decline in thylacine scalps brought in through the then bounty programme (figure 2) was too rapid to have been a result of overhunting but was consistent with what might be observed as a result of epidemic disease. There were also some anecdotal records of a 'distemper like' disease among both thylacines [24] and other marsupial carnivores (dasyurids) [25]. Canine distemper certainly poses an extinction threat to some populations of placental carnivores [26,27] but I can find no published evidence to confirm that dasyurids are susceptible to canine distemper.

Alternate FDA 1AC Adv

1AC Marijuana Scenario

FDA's in cahoots with big pharma- Reform is key to revitalize the agency

Mercola No Date- world-renowned physician and multiple New York Times bestselling author (Mercola, Dr. Joseph; The FDA exposed; mercola.com; no date; 08/07/15; <http://www.mercola.com/downloads/bonus/the-FDA-exposed/default.aspx>) JG

Do you read the labels of food and drugs to know exactly what you're getting before buying them? Or do you randomly pick something off the shelf, trusting that everything is safe because it wouldn't be sold if it wasn't? As a consumer, you may expect that products sold over-the-counter or at supermarket shelves are safe because the Food and Drug Administration (FDA) has got your back. But don't be lulled into a false sense of security because you are about to find out why the FDA is actually a public enemy rather than a public watchdog! The FDA is officially sworn to protect public health by assuring the safety and security of America's food supply, products, medicine and medical devices; make them safer, more effective and more affordable; and, provide the public with the information about food and medicine that they need to improve their health. And yet, despite numerous FDA regulations, death from adverse drug reactions is still one of the leading causes of death in the U.S., killing at least 106,000 yearly! Most of these deaths are from EXPECTED adverse reactions because they are an extension of the drugs' actions. A mere 6 percent of all adverse drug reactions are properly identified. As a result, the mortality rate for people between ages 45-64 who took their prescription drugs correctly rose 90 percent in just five years! Even if you check the labels or not, the safety of the products you consume has been compromised by the very agency assigned to protect them! The Free Report THE FDA EXPOSED reveals the true colors of the FDA and tells you how it has betrayed the public trust by becoming an agency no longer concerned with keeping Americans safe and healthy and is now driven by greed and profit. For a Dangerous America? The FDA has lost face because it is now too closely linked with big pharmaceutical companies. It's more beneficial and profitable for "Big Pharma" to have more unhealthy people because that would mean more drug sales. Even the FDA's own scientists have cast a doubt on the agency's credibility. And it's not just Dr. David Graham, the FDA scientist who exposed the dangers of prescription drug Vioxx. A 2002 survey revealed that more than hundreds of FDA scientists lacked confidence in the agency's ability to "adequately monitor the safety of prescription drugs once they are on the market." Others questioned the FDA's drug assessment and labeling processes. With the FDA and Big Pharma seemingly in cahoots, unsafe drugs are getting approved and natural medicine is being persecuted because it poses a threat to big drug companies. If natural medicine is suppressed, it means that you no longer have the choice to pick safer alternatives to improve your health and will have to rely on all the wonderful drugs that Big Pharma is cooking up! The FDA has put health freedom in danger and is seeking to eliminate natural health alternatives through a campaign of censorship, distortions, and lies. In THE FDA EXPOSED, you'll learn: The truth about the FDA and why it is no longer fit to safeguard your health. How the FDA systematically puts natural medicine, particularly dietary supplements, on the shelf and out of your reach to protect the interests of big drug companies. The FDA's violent raids on natural health practitioners and the dangerous drugs it had approved that caused thousands of deaths. The FDA's sinister plan to speed up the development of drugs and use toxicology to assess the safety and value of nutritional supplements. Americans are paying billions of hard-earned dollars in health care and drugs but are not getting any healthier. Good health has become a luxury, thanks to the FDA drug racket. How many more have to die before the FDA con act is stopped? Are you still willing to have the FDA to safeguard your health?

FDA's hypocritical and outdated marijuana stance is purely political.

Gucciardi 15- a natural health and self-development author, speaker, and activist whose writings have appeared in #1 USA Today and Wall Street Journal (Gucciardi, Anthony; 02/02/15; Alex Jones' Info Wars; Marijuana Backed by More Studies than Most FDA Approved Pharma Drugs; 06/13/15; www.infowars.com/marijuana-backed-by-more-studies-than-most-fda-approved-pharma-drugs/) JG

Marijuana and its use has been studied over the course of the last few decades more so than even many leading FDA-approved pharmaceutical drugs, with researchers categorizing the effects of marijuana to a much greater degree than many of the pharmaceutical drugs you or your family may currently be taking. ¶ In a revelation that really demonstrates our scientific focus in the United States, where marijuana is still considered by federal law to be a dangerous and illegal substance placed in the same class as hard drugs like heroin, even mainstream media publications have begun calling out the strange doctrine of the medical community that pushes pharma drugs on the public at warp speed. This, all while scoffing at the use of 'no high' marijuana alternatives like the juicing of cannabis oil. ¶ A quick search within the PubMed National Library of Medicine database for 'marijuana' turns up a host of studies, highlighting every aspect imaginable regarding the plant in its many forms. Some advocacy websites have even compiled hundreds of studies in an easy-to-read format surrounding marijuana, which has led numerous journalists to ask the obvious question: "why are we spending so much time researching an illegal drug for its numerous benefits while stamping side-effect-riddled drugs with the FDA stamp of approval with far less research?" ¶ An analysis of 200 FDA-backed pharmaceutical drugs even found that almost 33% of approved drugs were granted the approval over a single piece of clinical study. ¶ And to be clear, the uses of the cannabis plant far extend beyond 'getting high' – to the degree that it was ultimately ruled to be illegal in all forms thanks to mega billion dollar corporations fearing its many uses that extend even into the realm of construction and agriculture. Because, as you are probably aware, industrial-grade hemp (a high-growing variety of cannabis) can be used in protein shakes, building materials, oils used for the prevention and treatment of disease, and actually does not get you high. ¶ In fact, it's ultra rich in fiber and is all around an amazing superfood. Even sources like the Livestrong foundation agree that hemp packs a powerful fiber-based punch of protein and essential nutrients that can enhance your overall health, reporting: ¶ "Fiber is a nutrient many Americans do not get enough of in their diet, according to the Dietary Guidelines. Women need 25 grams of fiber a day, and men 38 grams. Whole hemp seeds are comprised of 10 to 15 percent fiber, or about 1 gram per 3 tablespoons. Fiber in food like hemp seeds improves bowel function by helping prevent constipation. The fiber also increases feelings of fullness so you eat less." ¶ But it's still banned in the United States under federal law thanks to the Controlled Substances Act (P.L. 91-513; 21 U.S.C. 801 et seq.). ¶ When considering that the average drug label contains 70 side effects, and have not been thoroughly studied for long-term effects in many cases, it's easy to see the scientific oddity that exists around the use of non-THC containing hemp (at the very least). Many popular pharmaceuticals have even been found to contain 100 to 125. Some pharma drugs come with over 525 negative reactions. ¶ Ritalin, for example, has been linked to conditions including: ¶ Increased blood pressure ¶ Increased heart rate ¶ Increased body temperature ¶ Increased alertness ¶ Suppressed appetite ¶ As the realization within the United States comes into focus surrounding the practical and health-related uses of marijuana, especially in its 'no high' non-THC form that only serves to enhance one's health and state, it's becoming more clear than ever that a serious role exists for hemp within the US and beyond.

FDA's political posturing with regards to Marijuana is putting lives at risk, and they know it.

Rucke 14- a MintPress staff writer and investigative report specializing in the war on drugs, criminal justice, marijuana legislation, education and watchdog investigations as well as whistle-blowers (Rucke,

Katie; 02/27/14; Mint Press News; Feds Block FDA-Approved PTSD-Marijuana Research; 06/13/15; www.mintpressnews.com/feds-block-fda-approved-ptsd-marijuana-research/180621/) JG

Almost four months after the U.S. Food and Drug Administration and the University of Arizona Institutional Review Board approved a study on how marijuana could be used to help treat veterans experiencing post-traumatic stress disorder, researchers are still waiting for the federal government to sign off on the study and allow them to purchase marijuana.¶ Proposed by the non-profit organization Multidisciplinary Association for Psychedelic Studies, the study would examine the safety and efficacy of smoked and vaporized marijuana for 50 U.S. veterans with chronic, treatment-resistant PTSD.¶ Since the U.S. Public Health Service is not allowing researchers to buy any marijuana from the federal government to conduct the study, the research is currently on hold. Technically, the agency hasn't outright refused to sell marijuana to the researchers for the study, as the PHS is not required to respond to inquiries within a certain number of days.¶ The FDA, on the other hand, must respond to inquiries within 30 days. Until the PHS decides to respond — which could be never — this potentially life-saving research is on hold.¶ For years, medical marijuana legalization advocates have argued that the drug can be used to help persons suffering from PTSD-related symptoms such as haunting nightmares and sleeplessness, but they have no scientific evidence to back up their empirical claims.¶ While animal studies have found marijuana helps "quiet an overactive fear system," there have been few, if any, controlled clinical studies examining marijuana's effectiveness in helping human PTSD patients, which is why so many applauded the FDA's decision to approve this study.¶ According to MAPS, marijuana is the only drug in the United States that has to be reviewed by the PHS before research can occur, saying the National Institute on Drug Abuse "has a Drug Enforcement Administration-protected monopoly" on the supply of marijuana that can be legally used in FDA-regulated research.¶ In other words, although the government has a supply of marijuana that has been specifically set aside for research purposes, the NIDA and DEA require that extra review be given to those who are requesting to study marijuana and its effects — a mandate that is not required for any other drug, including those that, like marijuana, have been classified as a Schedule I substance such as MDMA, LSD or psilocybin.¶ "This groundbreaking research could assist doctors in how to recommend treatment for PTSD patients who have been unresponsive to traditional therapies," said Rick Doblin, Ph.D., executive director at MAPS. He encouraged the PHS to allow the researchers to obtain the substance.¶ "If the PHS review requirement was removed," added Dr. Sue Sisley, who would lead the study, "we would gather information that could help veterans today. The stifling of medical research on marijuana stands in the way of our vets returning to a normal life."¶ ¶ A cure for PTSD in THC?¶ Though it's sometimes viewed as a lesser medical condition than other illnesses such as cancer, PTSD is considered a life-threatening illness, since those who suffer from it are at an increased risk of becoming homeless, more likely to abuse drugs and alcohol, and more likely to commit suicide.¶ It's estimated that PTSD currently affects about 600,000 veterans, or 40 percent of all returning U.S. soldiers.¶ The effects of PTSD last for years, and according to R. Andrew Sewell, a professor of psychiatry at Yale University, marijuana can help those who suffer from PTSD with "extinction learning," which is when positive information outweighs the negative fears that came about as a result of a traumatic experience.¶ Sewell conducted a study early last year examining whether exposure to THC, marijuana's psychoactive ingredient, would help those suffering from PTSD as they went through "exposure therapy" — a treatment Sewell believes to be the most effective for treating the medical condition.¶ Many people who suffer from PTSD find exposure therapy to be a painful process because they have to revisit traumatic memories on a consistent basis. Sewell studied whether THC would help PTSD patients through this process.¶ What he found was that veterans injected with 1 milligram of THC were calmed down enough to realize that a negative experience may not occur again.¶ Dr. Raphael Mechoulam, an Israeli neuroscientist credited with discovering THC, agrees that marijuana has properties that could help heal neurological and psychiatric conditions such as Alzheimer's and Parkinson's disease, in addition to PTSD.¶ Mechoulam, also a senior advisor to the Israeli government on marijuana policy and the ethics of research with human subjects, said that "the use of cannabis and THC to treat PTSD in humans appears to provide symptomological (sic) relief at best," and he sees no reason why the drug isn't already being used for PTSD.¶ "In and of itself, there is nothing wrong with symptomological relief," Mechoulam said. "That's what taking aspirin for a headache, a diuretic for high blood pressure, opiates to control severe pain, or olanzapine for rapid-cycling mania is all about. We do have the potential, however, to do better than just treating symptoms of PTSD via activation of the cannabinoid receptors."¶ He continued, explaining that with the right combination of extinction/habituation therapy and "judicious administration" of drugs such as marijuana, there is a potential to actually cure many cases of PTSD.

FDA's deliberately turning a blind eye- we need whistleblowers to come forward to expose this injustice.

Rucke 14- a MintPress staff writer and investigative report specializing in the war on drugs, criminal justice, marijuana legislation, education and watchdog investigations as well as whistle-blowers (Rucke, Katie; 02/27/14; Mint Press News; Feds Block FDA-Approved PTSD-Marijuana Research; 06/13/15; www.mintpressnews.com/feds-block-fda-approved-ptsd-marijuana-research/180621/) JG

Turning a blind-eye to marijuana's healing power¶ "In light of all evidence currently available, it is striking that the FDA refuses to investigate cannabinoids for the treatment of anxiety disorders like PTSD," Mechoulam said, "yet (the federal government has) approved studies of MDMA, the club drug Ecstasy, for the treatment of PTSD."¶ He pointed out that modern Western medicine currently uses substances that are widely known to be dangerous to use and carry a high rate of abuse, yet doctors still prescribe these drugs because they assume there is some medicinal value.¶ "With the lives and well being of so many veterans AND private citizens at stake, those in the scientific community and police makers alike cannot afford to miss the wake up call," he said. "Even a child should be able to see the hypocrisy evident in the relative policies concerning cannabinoids and opiates. It is time to fix this appalling imbalance in our policies concerning the pharmacopia (sic) or else be the laughing stock of future generations."¶ Russ Belville, host of the Russ Belville Show and a contributor to High Times, agrees with Mechoulam that the government needs to study marijuana, and pointed out in an article in November that while the government has refused to legalize or allow the use of medical marijuana, the FDA continues to approve painkillers that have been proven to be dangerously addictive and highly abused.¶ Belville pointed to the recently approved painkiller called Zohydro, which he says contains 10 times the opioid hydrocodone found in Vicodin, a highly abused painkiller, and is not cut with acetaminophen or ibuprofen — additives that are used to prevent users from "crushing and snorting or shooting the drug."¶ Another facet of this drug that caught Belville's eye is that this new "Super-Vicodin" is made by the pharmaceutical company Alkermes, and is intended for use in treating opioid addictions. As Belville noted, Alkermes financially supports the American Society of Addiction Medicine, or "Big Rehab."¶ Though the DEA is completely aware of the increased use and abuse of drugs such as heroin, which is often sparked by a painkiller addiction, the DEA said it is allowing the increased production of pain pills to ensure there is "enough left for legitimate patients."¶ If the federal government's hands are not only tied by the money it's earning law enforcement officials with the war on drugs, but also by pharmaceutical companies who have an interest pushing both their drugs and their rehab programs, it's likely that breakthrough studies like this one will continue to be put on the back burner.¶ In the meantime, MAPS says it will continue to pursue its decade-long lawsuit against the DEA, hoping to establish a marijuana-growing facility for FDA-approved research, which the group says would put an end to the National Institute on Drug Abuse's marijuana monopoly.

The feds still stand in the way of medicinal research and development- plan key to solve

Briggs 14- nbc reporter (Briggs, Bill; JUL 29 2014; NBC News; Pot Researcher Firing Unleashes Rising Veteran Backlash; Backlashwww.nbcnews.com/health/kids-health/mom-who-lost-kids-says-babys-medical-condition-mistaken-abuse-n390121B; 07/13/15) JG

A physician with federal approval to test if pot can treat PTSD became a scientist without a lab Tuesday after the University of Arizona refused to reverse her firing, and her private funders vowed to move her study to another college.¶ But the termination of Dr. Sue Sisley already was fueling a larger backlash.¶ Some of Sisley's supporters argue her dismissal embodies barriers that have long blocked marijuana from the medical mainstream. Those obstacles include, her backers say, a federal "monopoly" that chooses which scientists can investigate cannabis — and controls the price for exam-grade pot.¶ Sisley's loudest fans are veterans who see hope in her planned study. They include Ricardo Pereyda, an Arizona alumnus diagnosed with Post-traumatic Stress Disorder after serving in Iraq. His online petition, dubbing Sisley's firing "immoral and unpatriotic," has amassed nearly 100,000 signatures.¶ Facebook Twitter Google PlusEmbed¶ Researcher seeks 'honest' discussion of pot and PTSD 1:18¶ Sisley herself sees irony in her own tale. She asserts that conservative state lawmakers in Arizona pushed the state-funded university to dump her. Yet, Sisley is a Republican who has never tried weed, she said, and admits she's "not sold" on its efficacy.¶ "I'm pretty right wing. But these guys (in Arizona politics) hate marijuana research and have systematically tried to impede this because they believe it's a strategy for promoting marijuana legalization." Sisley told NBC News.¶ "People are painting me like I have an agenda. But I'm just persuaded the drug has enough merit to deserve to be studied in a rigorous, controlled environment. I only care about doing quality science," she said.¶ At the University of Arizona, officials declined to discuss why Sisley's faculty position was not renewed, calling it a

“personnel matter.” They denied politics played a role.¶ “We have invested a lot of time and staff hours (in the Sisley study). We’d like to see the research continue here,” said Chris Sigurdson, a university spokesman. “This is the kind of research we do to expand knowledge and look for innovative research and cures.”¶ But Sisley’s private funders, a Santa Cruz, California, nonprofit — the Multidisciplinary Association for Psychedelic Studies (MAPS) — confirmed Tuesday it will hunt for a new home for the study, adding: “Were it not for Dr. Sisley’s efforts, this research would not exist.”¶ Sisley’s scientific plan was approved in March by the U.S. Department of Health and Human services. MAPS will buy research-grade cannabis for Sisley from the lone federal agency allowed to disperse it — the National Institute on Drug Abuse (NIDA). Sisley, thus, becomes the first U.S. researcher “with a goal of developing the marijuana plant in smoked form into an FDA-approved prescription medicine,” said Rick Doblin, executive director of MAPS.¶ **But her termination**, Doblin added, also **reveals the barriers that keep Sisley’s study the “only medical marijuana drug-development research currently being attempted in the U.S. ... despite there being a potential megabillion-dollar medical market.”**¶ Those barriers, Doblin contends, include the “NIDA monopoly.”¶ That agency, part of National Institutes of Health, is authorized to grow research-grade marijuana at a University of Mississippi farm, then ship cannabis to federally approved scientists.¶ But NIDA sets pot prices for private researchers, Doblin said. When he last asked that price “several years ago,” NIDA quoted him \$7 per gram. (By comparison, one Israeli research-pot producer offers marijuana to scientists at \$1 per gram.)¶ Further, NIDA has a legal boundary that cements its “monopoly” status, Doblin asserts.¶ “NIDA is not authorized to provide marijuana for sale as an FDA-approved prescription medicine,” Doblin said. “No pharmaceutical company, profit or nonprofit, would conduct expensive, multimillion-dollar ... studies with a drug, like marijuana, that cannot be sold as a prescription medicine.”¶ “The NIDA monopoly has to end,” Doblin added.¶ According to NIDA officials, however, the agency has accepted 16 of 18 applications received since 1999 from privately funded U.S. researchers seeking research-grade pot.¶ Those 16 approvals — including Sisley — all had received HHS endorsements. Their work includes scrutinizing pot in people with HIV, diabetes and multiple sclerosis.¶ “Because NIDA manages the University of Mississippi farm contract, many people assume that NIDA controls who gets marijuana for research. This is inaccurate,” said Dr. Jack Stein, director of NIDA’s Office of Science Policy and Communications. “There is a three-step process that involves several federal agencies (including the Drug Enforcement Administration). NIDA would not decline to provide marijuana for a study that has successfully completed these requirements.”¶ **Sisley** may have HHS approval but she **calls federal restrictions the top “hurdle” to good science.**¶ She also admits feeling a sense of urgency — hundreds of veterans have told her that pot helps control their PTSD symptoms, including depression, she said.¶ **“It’s so sad that it requires political courage to do an FDA randomized control trial.”**¶ Sisley said. “This isn’t like some stoner saying, ‘I want to do research.’ This involves blinded, independent investigators just trying to collect objective data.”¶ Further, she knows from her conversations with ex-troops, PTSD contributes to an ongoing veteran suicide crisis.¶ **“The firing of Dr. Sue Sisley by the University of Arizona is an absolute abomination,”** said retired Marine and Iraq veteran Sean Azzariti, 32, who lives near Denver. He was diagnosed with PTSD and signed the online petition. **“It’s a disgusting, last-ditch effort by cannabis opponents to stall much-needed research.”**¶ **The research “should be fast-tracked, not bogged down** by politics and bigotry. Let the science speak for itself,” said Pereyda, the veteran behind the online protest. “Twenty-two veterans commit suicide every day — unfortunately many more will die before the research is

FDA’s complicity with big pharma has already lead to thousands of deaths

INH 13 (The Institute for Natural Healing- an independent research organization; April 17, 2013; FDA and Big Pharma—Partners in Crime; 08/07/15;

<http://www.institutefornaturalhealing.com/2013/04/fda-and-big-pharma-partners-in-crime/>) JG

As long as dangerous drugs continue to rake in billions of dollars, the FDA will continue to approve them. And keep them on the market. Regardless of the dangers.¶ Prime example...¶ **Lawsuits keep adding up against Pradaxa,1 a drug that’s only been on the market about two years. Pradaxa is a blood thinner used to prevent strokes.**2 The FDA approved it as an alternative to warfarin, also known as Coumadin, because of the dangers linked to it.¶ Warfarin’s side effects make it one of the leading causes of emergency room deaths. In 2011 alone, it caused 1,106 serious adverse events and 72 deaths.3¶ But that’s nothing compared to its “safer alternative.”¶ **Pradaxa had 3,781 adverse events in 2011. That includes 542 deaths and 2,367 hemorrhages.** That’s more than any of the other 800 monitored pharmaceutical drugs.4¶ This is a drug that in clinical trials worked “better than” warfarin. They even said it was safer.¶ **The FDA’s safety report** from last November **states that Pradaxa’s bleeding rates “do not appear to be higher” than warfarin.**5 But just a little over a month later, the FDA released another report. And this time it stated that the risk of major bleeding from Pradaxa is six times higher than with warfarin.6 Now that’s a pretty fast about-face...¶ Remember, Pradaxa got approval as the safer alternative to warafin. So **now that the FDA knew it was actually more dangerous, did they pull it off the market?¶ You bet they didn’t.¶ Despite**

the lawsuits, the number of adverse events, and all the deaths linked to Pradaxa, the FDA still allows doctors to hand out prescriptions. Millions of them.¶ Why? Because Pradaxa brings in over \$1 billion a year. It costs 60 times more than warfarin. And the FDA knows better than to bite the hand that feeds them. Big Pharma's big pockets help fund the organization that's supposed to protect you from exactly this sort of abuse.¶ If you wonder how such dangerous drugs gain approval in the first place...¶ Before the FDA approves drugs they must go through numerous clinical trials. But drug companies rarely publish all the findings. More than half of them ever even see the light of day.¶ And if they are finally published, it can be years after the drug has been approved.¶ The reason drug companies rarely make their findings public? It's simple. They're not happy with the results. And that's exactly what happened here. Although the pharmaceutical company discovered the dangers of Pradaxa, they needed approval. So they just hid their dirty little secrets.¶ And it certainly isn't an isolated example. The same thing happened with the FDA-approved diabetes drug Avandia. Studies found that the drug increased heart attacks and cardiovascular deaths. Big Pharma kept 35 of the drug's 42 clinical trials a secret to gain approval.¶ The drug Multaq used to treat irregular heartbeats also falls into the category. Big Pharma concealed a study that found the drug caused more deaths than the placebo.¶ Yet the FDA approved it.¶ Concealing studies is common and widely known about... During court cases judges routinely require drug companies to turn in all studies and data.¶ Published and unpublished.¶ "Concealment of data should be regarded as the serious ethical breach that it is, and clinical researchers who fail to disclose data should be subject to disciplinary action by professional organizations," wrote Richard Lehman of the University of Oxford, and Elizabeth Loder, a BMJ editor.¶ Most of these studies are funded by the federal government. That means we are footing the bill for studies that Big Pharma withholds so they can sell us expensive, dangerous drugs.¶ Problem is, the people who are supposed to deliver that "disciplinary action" are accessories to the crime.¶ By withholding vital clinical studies showing dangerous and deadly side effects, the FDA and Big Pharma put lives at risk. They also drive up healthcare costs. Just look back at the cost difference between Pradaxa and warfarin.¶ How many lives need to be lost until the FDA changes its practices? Take a stand to reform the FDA. Click [HERE](#) to sign a petition and voice your outrage.

Internals: FDA k Decrim

FDA key to decriminalization of medicinal marijuana- could save taxpayers billions.

Phillips 12- covers taxes for Forbes (Phillips, Kelly; 04/20/12; Stirring the Pot: Could Legalizing Marijuana Save the Economy; Forbes Magazine; 07/13/15; www.forbes.com/sites/kellyphillipserb/2012/04/20/stirring-the-pot-could-legalizing-marijuana-save-the-economy/) JG

On April 2, One L. Goh allegedly went on a shooting spree inside Oikos University in Oakland, California, killing seven students. That same day, federal agents were otherwise occupied, raiding a business less than a half a mile away. That business, Oaksterdam University, is a medical marijuana training school in a location where it is considered legal for state and local purposes.¶ There's some sad irony here.¶ One is, of course, not directly related to the other. But you can't help but look at the two events – on the same day, just blocks away from each other – and wonder about our priorities. The expenditure of resources – including those linked to public safety – for political purposes feels misguided and wasteful. And it takes away from bigger, more important matters, like keeping taxpayers safe.¶ A spokesperson from the Internal Revenue Service (IRS) was on hand for the raid but didn't comment on the specifics. She didn't need to. It is no secret that the IRS has been at the forefront of the efforts to shut down medical marijuana dispensaries – not because they haven't been filing and paying taxes (they have) – as part of a targeted effort by federal agencies to shut down the medical marijuana industry.¶ The IRS has been involved with monitoring the marijuana trade for nearly a century: it was the taxation of marijuana in the 1930s which led to the criminalization of the drug in the first place. Until recently, however, the IRS had not come out swinging against medical marijuana dispensaries – not until last year when directed by the current administration to do so, memorialized in a June 2011 Department of Justice Memo (downloads as a pdf).¶ What's the basis for the crackdown? States are getting cheeky, it seems. And apparently, the feds don't care for that very much.¶ Under federal law, marijuana is still classed as a Schedule I drug which means that it is not legal in any form, including for medical purposes. Despite popular belief, it cannot actually be prescribed (to get it in most states where it's legal, you need a note, not a prescription, from a doctor).

That hasn't stopped states moving to legalize marijuana for medical purposes. Sixteen states and D.C. have done so: Alaska, Arizona, California, Colorado, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington. Twelve more have similar legislation pending: Alabama, Connecticut, Idaho, Illinois, Kansas, Maryland, Massachusetts, Missouri, New Hampshire, New York, Ohio and Pennsylvania.¶ States that have moved to legalize marijuana for medical reasons have done so for quite logical reasons: legalizing the drug (like nicotine and alcohol) means that it can be regulated.

Regulations mean control. And control is directly linked to the almighty dollar.¶ The drug industry – both legal and illegal – is quite a lucrative market. Keeping it illegal, the argument goes, means that the most benefit flows to illegitimate members of society: dealers and cartels. On the other hand, taxpayers and government bear the burden of chasing those dragons as incarcerations for what are basically petty drug crimes continue to rise: \$200 transaction can cost society \$100,000 for a three-year sentence.¶ It's estimated that the legalization of marijuana (not just for medical purposes) could take as much as \$10 billion away from the cartels and dealers. And that's not limited to the Colombian or Mexican drug trades. Domestically grown marijuana is thought to be the second most profitable cash crop in the United States: only corn is considered to be more lucrative.¶ To think about the kind of impact that could have on our economy, you need only look to the U.S. beverage alcohol industry. Making alcohol legal again has paid off. Just last year, the industry generated \$91 billion in wages and over 3.9 million jobs for U.S. workers. In 2008, alcohol contributed over \$40 billion to state and local revenues; nearly half of that came from corporate, personal income, property and other taxes.¶ State and local governments aren't stupid. They see those numbers as positives. Take San Jose, for example. According to the Sacramento Bee, taxing legal medical marijuana collectives brought the city \$290,000 in the first month the tax was imposed. Annualized, that's nearly \$3.5 million.¶ At the same time, decriminalizing the use of marijuana could reduce the amount of resources that states and municipalities are now forced to spend on enforcement and incarcerations.¶ But not everyone is on board with the idea. Some worry that taxing medical marijuana (or any form of marijuana) will legitimize the drug. That, it's argued, would open the floodgates to increased drug use, moving from marijuana to stronger drugs like heroin and cocaine – the whole “gateway drug” argument. The Coalition for a Drug Free California objects to taxing the drug on principle, noting that some studies cite the societal burden of the drug as higher than the potential value (downloads as a pdf); the same arguments have been made against alcohol and nicotine.¶ There are no easy answers. But if the federal government successfully puts an end to legal medical marijuana sales – and the revenue generated for states and municipalities – where will those dollars go? Underground? Street criminals? Mexican cartels? One thing is for sure: they're not going away.¶ Inter-Agency Advisory Regarding Claims That Smoked Marijuana Is a Medicine¶ Claims have been advanced asserting smoked marijuana has a value in treating various medical conditions. Some have argued that herbal marijuana is a safe and effective medication and that it should be made available to people who suffer from a number of ailments upon a doctor's recommendation, even though it is not an approved drug.¶ Marijuana is listed in schedule I of the Controlled Substances Act (CSA), the most restrictive schedule. The Drug Enforcement Administration (DEA), which administers the CSA, continues to support that placement and FDA concurred because marijuana met the three criteria for placement in Schedule I under 21 USC. 812(b)(1) (e.g., marijuana has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and has a lack of accepted safety for use under medical supervision). Furthermore, there is currently sound evidence that smoked marijuana is harmful. A past evaluation by several Department of Health and Human Services (HHS) agencies, including the Food and Drug Administration (FDA), Substance Abuse and Mental Health Services Administration (SAMHSA) and National Institute for Drug Abuse (NIDA), concluded that no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use. There are alternative FDA-approved medications in existence for treatment of many of the proposed uses of smoked marijuana.¶ FDA is the sole Federal agency that approves drug products as safe and effective for intended indications. The Federal Food, Drug, and Cosmetic (FD&C) Act requires that new drugs be shown to be safe and effective for their intended use before being marketed in this country. FDA's drug approval process requires well-controlled clinical trials that provide the necessary scientific data upon which FDA makes its approval and labeling decisions. If a drug product is to be marketed, disciplined, systematic, scientifically conducted trials are the best means to obtain data to ensure that drug is safe and effective when used as indicated. Efforts that seek to bypass the FDA drug approval process would not serve the interests of public health because they might expose patients to unsafe and ineffective drug products. FDA has not approved smoked marijuana for any condition or disease indication.¶ A growing number of states have passed voter referenda (or legislative actions) making smoked marijuana available for a variety of medical conditions upon a doctor's recommendation. These measures are inconsistent with efforts to ensure that medications undergo the rigorous scientific scrutiny of the FDA approval process and are proven safe and effective under the standards of the FD&C Act. Accordingly, FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, DEA as the federal agency charged with enforcing the CSA, and the Office of National

Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes.

FDA key to decriminalize medicinal marijuana.

FDA 06- the U.S. Food and Drug Administration (Food and Drug Administration; 04/20/2006; FDA Statement on Smoked Medical Marijuana; ProCon.org; 07/13/15; medicalmarijuana.procon.org/view.additional-resource.php?resourceID=000174) JG

Inter-Agency Advisory Regarding Claims That Smoked Marijuana Is a Medicine¶ Claims have been advanced asserting smoked marijuana has a value in treating various medical conditions. Some have argued that herbal marijuana is a safe and effective medication and that it should be made available to people who suffer from a number of ailments upon a doctor's recommendation, even though it is not an approved drug.¶ Marijuana is listed in schedule I of the Controlled Substances Act (CSA), the most restrictive schedule. The Drug Enforcement Administration (DEA), which administers the CSA, continues to support that placement and FDA concurred because marijuana met the three criteria for placement in Schedule I under 21 USC. 812(b)(1) (e.g., marijuana has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and has a lack of accepted safety for use under medical supervision). Furthermore, there is currently sound evidence that smoked marijuana is harmful. A past evaluation by several Department of Health and Human Services (HHS) agencies, including the Food and Drug Administration (FDA), Substance Abuse and Mental Health Services Administration (SAMHSA) and National Institute for Drug Abuse (NIDA), concluded that no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use. There are alternative FDA-approved medications in existence for treatment of many of the proposed uses of smoked marijuana.¶ FDA is the sole Federal agency that approves drug products as safe and effective for intended indications. The Federal Food, Drug, and Cosmetic (FD&C) Act requires that new drugs be shown to be safe and effective for their intended use before being marketed in this country. FDA's drug approval process requires well-controlled clinical trials that provide the necessary scientific data upon which FDA makes its approval and labeling decisions. If a drug product is to be marketed, disciplined, systematic, scientifically conducted trials are the best means to obtain data to ensure that drug is safe and effective when used as indicated. Efforts that seek to bypass the FDA drug approval process would not serve the interests of public health because they might expose patients to unsafe and ineffective drug products. FDA has not approved smoked marijuana for any condition or disease indication.¶ A growing number of states have passed voter referenda (or legislative actions) making smoked marijuana available for a variety of medical conditions upon a doctor's recommendation. These measures are inconsistent with efforts to ensure that medications undergo the rigorous scientific scrutiny of the FDA approval process and are proven safe and effective under the standards of the FD&C Act. Accordingly, FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, DEA as the federal agency charged with enforcing the CSA, and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes.

FDA's approach to medicinal marijuana is nonsensical- plan could provide a reassessment

Cancer Monthly 06- trusted source for tens of thousands of cancer patients who are researching information about cancer. Cancer Monthly is the only centralized source of cancer treatment results in the world (Cancer Monthly, Medical Marijuana – The FDA Loses More Credibility; 2006; 08/07/15; <http://www.cancermonthly.com/cancerwire/may2006.html>) JG

Every month, Cancer Monthly summarizes the latest clinical results of cancer therapies presented by oncologists, researchers, and other cancer professionals working in over 340 hospitals and research institutions around the world. With this information, patients can compare treatments, have more meaningful discussions with their doctors, and ultimately, make more informed treatment decisions. www.cancermonthly.com¶ Garlic Compounds May Stop Liver Cancer Growth¶ Cancer and the School Bus¶ Lying with Statistics: How Conventional Medicine Confuses the Public¶ Haelan 951 Helps Patient With Advanced Cancer¶ This month we report on the FDA's efforts to eliminate the use of medical marijuana. This attempt ignores government sponsored research that demonstrates that marijuana has therapeutic value in pain relief, control of nausea and vomiting, and appetite stimulation and also kills cancer cells invitro.¶ Disclaimer - Please Read: Of course, none of this information in CancerWire is a substitute for professional medical advice, examination, diagnosis or treatment and you should always seek the advice of your physician or other qualified health professional before starting any new treatment or making any changes to an existing treatment. No information contained in Cancer Monthly or CancerWire including the information below, should be used to diagnose, treat, cure or prevent any disease without the supervision of a medical doctor.¶ Medical Marijuana – The FDA Loses More Credibility¶ © Cancer Monthly 2006¶ The FDA is getting the reputation of letting drug company representatives make decisions for the country (see Financial conflict of interest disclosure and voting patterns at Food and Drug Administration Drug Advisory Committee meetings”), approving dangerous drugs (see Frontline interview with Sidney Wolfe, MD), and not performing follow-up on approved drugs (see “FDA says firms still lagging on follow-up drug studies”). Now, add to this list the fact that the FDA throws science out the window and makes decisions that have no basis in reality. This bureaucracy recently stated that “smoked marijuana has no currently accepted or proven medical use in the United States...” This statement was made apparently without any research and demonstrates that the needs of cancer patients play little if any role in the decisions of this disgraceful organization. ¶ In 1999, the government's own prestigious Institute of Medicine looked at this issue and published a report titled: “Marijuana and Medicine: Assessing the Science Base.” Their conclusions included, “The accumulated data indicate a potential therapeutic value for cannabinoid drugs, particularly for symptoms such as pain relief, control of nausea and vomiting, and appetite stimulation. The therapeutic effects of cannabinoids are best established for THC, which is generally one of the two most abundant of the cannabinoids in marijuana...The combination of cannabinoid drug effects (anxiety reduction, appetite stimulation, nausea reduction, and pain relief) suggests that cannabinoids would be moderately well suited for particular conditions, such as chemotherapy-induced nausea and vomiting and AIDS wasting.”¶ In fact, there are literally hundreds of articles that appear in the peer reviewed medical and scientific literature that discuss marijuana's effects in pain relief, control of nausea and vomiting, and appetite stimulation. Just last month an article in the Journal of Ethnopharmacology concluded that, “Cannabinoids present an interesting therapeutic potential as antiemetics, appetite stimulants in debilitating diseases (cancer and AIDS), analgesics, and in the treatment of multiple sclerosis, spinal cord injuries, Tourette's syndrome, epilepsy and glaucoma.”¶ Beyond ameliorating the side-effects of chemotherapy, research also suggests that marijuana may play a role in killing cancer cells. Recent journal articles have discussed how the chemicals in marijuana (i.e. delta9-THC) suppress or inhibit the growth of a variety of cancer cells invitro including breast cancers cells, brain cancer (glioblastoma cells), and leukemia cells. See for example:¶ Breast Cancer – Cannabinoids and cancer¶ Brain – Cannabinoids selectively inhibit proliferation and induce death of cultured human glioblastoma multiforme cells.¶ Leukemia – Targeting cannabinoid receptors to treat leukemia: role of cross-talk between extrinsic and intrinsic pathways in Delta9-tetrahydrocannabinol (THC)-induced apoptosis of Jurkat cells.¶ In fact, the knowledge that cannabinoids suppress Lewis lung carcinoma cell growth has been known for 30 years.¶ The FDA's illogical position not only ignores peer reviewed medical research, but also disregards nearly 5,000 years of history. Cannabis has been used for medicinal purposes for over 4,800 years. Surviving texts from China, Greece and Persia confirm that its psychoactive properties were recognized, and the ancient doctors used it for a variety of illnesses and ailments. These included a whole host of gastrointestinal disorders, insomnia, headaches and as a pain reliever, frequently used in childbirth. In fact, cannabis was listed in the United States Pharmacopeia from 1850 until 1942. (For more background see Medical cannabis.) ¶ The legal situation is now as confused as the political one. There is a split between the US federal and state governments over medical marijuana policy. On June 6, 2005, the Supreme Court, in Gonzales v. Raich, ruled in a 6-3 decision that Congress has the right to outlaw medicinal marijuana, thus subjecting all patients to federal prosecution even in states where the treatment is legalized. Not all Feds agree. In 1988, Francis L. Young, an administrative law judge with the Drug Enforcement Agency, declared that, “Marijuana, in its natural form, is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used within a supervised routine of medical

Care.” See In The Matter of Marijuana Rescheduling Petition Of Docket No. 86-22, September 6, 1988, pp. 58-59. Currently, there are eleven states with medical marijuana laws on the books: Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Rhode Island, Vermont, and Washington. Obviously smoking marijuana is not risk-free especially to respiratory organs and tissue. However, compared to the risks of a typical chemotherapy agent such as cytoxan which includes: urinary bladder, myeloproliferative, or lymphoproliferative malignancies, potential sterility, urinary system hemorrhagic cystitis, hematuria, cardiac toxicity, anaphylactic reactions, significant suppression of immune responses, and sometimes fatal, infections; the risks of marijuana pale in comparison. And for cancer patients with advanced cancers who want to improve the quality of their life, a risk versus benefit analysis weighs heavily on the benefit side. Unfortunately, the FDA’s unsupportable position will only slow down the progress in researching the applications and efficacy of this plant in cancer. Cancer Monthly provides cancer patients with the results of hundreds of therapies for advanced and metastatic cancers so that patients can compare treatments, have more meaningful discussions with their doctors, and ultimately, make more informed treatment decisions. With Cancer Monthly, patients and clinicians can:

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- Sort by survival rate, side effects, and hospital;
- Learn which treatments offered the longest survival;
- Discover the side effects experienced by other cancer patients;
- Avoid highly toxic and failed therapies;
- Discover the FDA-approval status of various drugs;
- Contact doctors who use specific treatments;
- Print out the medical summary of each treatment to share with your own physician.

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Assignable Life Assets was founded in 1989 as an advocacy group to represent and assist terminally ill people in exchanging their life insurance policies for immediate much-needed cash. In the last 16 years, Assignable Life Assets has helped thousands of individuals. If you are looking for a way to help pay for medical care or alternative treatments or just an opportunity to live your life with dignity, Assignable Life Assets may be able to assist you. Phone: (800) 422-1314 <http://www.lifeassets.net>

Immune Boosting Products

Get Healthy Again.com - This company provides a variety of immune boosting nutritional supplements designed to enhance the immune system. <http://www.health-reports.com/cancer-conquest.html>

Herbal Fields Supplements - Herbal Fields offers an expanding line of natural, herbal supplements for your personal health maintenance needs, including curcumin. Their site has about 160 various pages of information. <http://www.herbalfields.com/curm.html>

Polyerga® Plus - Polyerga® Plus is a unique nutritional supplement for supporting the immune system. Although this German-developed spleen peptide technology has been used in Europe and Asia for decades, it is only now becoming available in America. Laboratory and clinically tested to improve key immune system parameters, these peptides help to regulate and stabilize the immune system. <http://www.polyergaplus.com>

Legal Services

Brain Cancer Misdiagnosis Information Center - Brain Cancer Misdiagnosis Information Center provides information on the frequency of brain cancer misdiagnosis, how you can find out if you have been misdiagnosed, and what you can do about it. The Center is run by the law firm of Webb, Scarmozzino & Gunter. <http://www.braincancerlaw.com>

Cancer Law Center - The Cancer Law Center is comprised of attorneys with experience in helping cancer patients whose disease was made worse because of a delay in diagnosis or whose cancer treatment led to severe injuries. While many people hesitate to contact a lawyer, patients should consider their legal rights if their medical condition was made worse by medical neglect. <http://www.cancerlaw.net>

Goldberg, Persky & White, P.C. - This law firm (and its predecessor law firms) has been a pioneer in asbestos litigation in the United States. The attorneys of Goldberg, Persky & White, P.C. (GPW) have been involved in asbestos and mesothelioma lawsuits since 1978. Their experienced mesothelioma lawyers participated in the gathering of evidence, such as the testimony of corporate executives and doctors, and the accumulation of corporate documents, that helped create the basis for successfully suing the asbestos industry. GPW has represented thousands of mesothelioma, lung cancer, and asbestosis victims. Because of their involvement in asbestos litigation from the beginning, GPW has a clear understanding of what is required to succeed. In addition to outstanding trial experience, GPW is backed by a large arsenal of corporate documents, depositions, and medical articles with which to vigorously prosecute your asbestos case. <http://www.gpwlaw.com/cm>

Nutritional Support

Haelan Products offers Haelan 951, an international award-winning, super nutritious, fermented soybean protein beverage. Clinical research and numerous reports from doctors and cancer patients have demonstrated that Haelan 951 helps protect cancer patients from the toxic side-effects of chemotherapy and radiation treatments. In addition, one study found that the soy isoflavone genistein (which is found in Haelan 951) produced greater apoptosis with both chemotherapy and radiation treatments. Apoptosis means “programmed cell death” and it is a goal of most orthodox cancer therapies. Because Haelan 951 is a nutritional supplement, not a cancer treatment, it was used in this study to offset the toxicity of the treatments, not as a cancer therapy. <http://www.haelan951.com/>

FDA recognizes marijuana’s benefits, but its stance is outdated- whistleblower leaks essential to “stir the pot.”

FDA 15- The U.S. Food and Drug Administration; (06/13/15; FDA and Marijuana; www.fda.gov;
Protecting and Promoting Your Health; www.fda.gov/NewsEvents/PublicHealthFocus/ucm421163.htm)
JG

Looking for Treatment

The FDA understands that caregivers and patients are looking for treatment options for unmet medical needs. In some instances, patients or their caregivers are turning to marijuana in an

attempt to treat conditions such as seizures and chemotherapy-induced nausea.¶ Untested Drugs can have Unknown Consequences¶ Over the last few decades, there has been significant interest in the potential utility of marijuana for a variety of medical conditions, including those that already have FDA-approved therapies.¶ More recently, several states have also passed laws that remove state restrictions on health care professionals using marijuana as a medical treatment for a variety of conditions. A number of other states are considering similar legislation regarding the use of marijuana in medical settings.¶ FDA's Role in the Drug Approval Process¶ The FDA has not approved marijuana as a safe and effective drug for any indication. The agency has, however, approved one drug containing a synthetic version of a substance that is present in the marijuana plant and one other drug containing a synthetic substance that acts similarly to compounds from marijuana but is not present in marijuana. Although the FDA has not approved any drug product containing or derived from botanical marijuana, the FDA is aware that there is considerable interest in its use to attempt to treat a number of medical conditions, including, for example, glaucoma, AIDS wasting syndrome, neuropathic pain, cancer, multiple sclerosis, chemotherapy-induced nausea, and certain seizure disorders.¶ Before conducting testing in humans of a drug that has not been approved by the FDA, an investigator submits an investigational new drug (IND) application, which is reviewed by the FDA. An IND includes protocols describing proposed studies, the qualifications of the investigators who will conduct the clinical studies, and assurances of informed consent and protection of the rights, safety, and welfare of the human subjects. The FDA reviews the IND to ensure that the proposed studies, generally referred to as clinical trials, do not place human subjects at unreasonable risk of harm. The FDA also verifies that there are adequate assurances of informed consent and human subject protection.¶ The FDA's role in the regulation of drugs, including marijuana and marijuana-derived products, also includes review of applications to market drugs to determine whether proposed drug products are safe and effective for their intended indications. The FDA's drug approval process requires that clinical trials be designed and conducted in a way that provide the agency with the necessary scientific data upon which the FDA can make its approval decisions. Without this review, the FDA cannot determine whether a drug product is safe and effective. It also cannot ensure that a drug product meets appropriate quality standards. For certain drugs that have not been approved by the FDA, such as marijuana, the lack of FDA approval and oversight means that the purity and potency of the drug may vary considerably.¶ As with other drugs that are not approved by the FDA, the agency works closely with the medical and patient communities, and our federal partners when necessary, to allow access to experimental treatments through the expanded access provisions described in the FDA's statute and regulations. The FDA's expanded access provisions are designed to facilitate the availability of investigational products to patients with serious diseases or conditions when there is no comparable or satisfactory alternative therapy available, either because the patients have exhausted treatment with or are intolerant of approved therapies, or when the patients are not eligible for an ongoing clinical trial.¶ FDA Supports Sound Scientific Research¶ The FDA also has an important role to play in supporting scientific research into the medical uses of marijuana and its constituents in scientifically valid investigations as part of the agency's drug review and approval process. As a part of this role, the FDA supports those in the medical research community who intend to study marijuana.¶ The FDA also supports research into the medical use of marijuana and its constituents through cooperation with other federal agencies involved in marijuana research. Conducting clinical research using marijuana involves interactions with other federal agencies:¶ The FDA reviews the IND application and the research protocol submitted by the applicant.¶ The Drug Enforcement Administration (DEA) reviews the registration application filed by the researcher.¶ The National Institute on Drug Abuse (NIDA) within the National Institutes of Health operates pursuant to the Single Convention on Narcotic Drugs. NIDA has been designated the responsible agency to supply research-grade marijuana to researchers.¶ State Legislation on Marijuana¶ Several states have either passed laws that remove state restrictions on the medical use of marijuana and its derivatives or are considering doing so. The FDA supports researchers who conduct adequate and well-controlled clinical trials which may lead to the development of safe and effective marijuana products to treat medical conditions. We have talked to several states, including Florida, Georgia, Louisiana, New York and Pennsylvania, who are considering support for medical research of marijuana and its derivatives to ensure that their plans meet federal requirements and scientific standards.

Government crackdown down on Legalization advocates smells a bit “skunky.”

Rucke 14- a MintPress staff writer and investigative report specializing in the war on drugs, criminal justice, marijuana legislation, education and watchdog investigations as well as whistle-blowers (Rucke, Katie; 07/14/14; Medical Marijuana Researcher's Termination Smells A Bit "Skunky;" Mint Press News; 07/13/15; www.mintpressnews.com/medical-marijuana-researchers-termination-smells-a-bit-skunky/193888/) JG

When Sue Sisley, a clinical assistant professor of psychiatry at the University of Arizona, was notified by the university that her contract would not be renewed on June 27, medical marijuana advocates cried foul.¶ Legalization proponents argued that the professor was fired by the university because she was in favor of medical marijuana legalization, supported adding post-traumatic stress disorder as a qualifying condition to Arizona's medical marijuana program, and was about to begin a federally-approved study that many believed would prove that marijuana contains medicinal benefits for PTSD sufferers.¶ Sisley said her abrupt dismissal from the university is proof that the educational institution is targeting her because of her marijuana-related work. She also speculated that the university likely received pressure from lawmakers to fire her, as she has testified across the country in favor of medical marijuana legalization legislation — much to the dismay of predominantly Republican lawmakers in the state who argue the drug has no medicinal value.¶ “This is a clear political retaliation for the advocacy and education I have been providing the public and lawmakers,” Sisley said about the letter she received informing her that her last day would be Sept. 26, 2014.¶ Chris Sigurdson, a university spokesman, said the university doesn't comment on personnel issues, but insisted that the non-tenured clinical assistant professor was not let go because of her advocacy work and interest in medical marijuana. He added that the university is in favor of medical marijuana research, noting that the university approved Sisley's PTSD study so that it could be conducted on campus.¶ However, Sisley said that in April, when the controversy over the marijuana study made national headlines, she was asked to explain to university officials what her political activities entailed.¶ “I pulled all my evaluations and this is not about my job performance,” she argued.¶ According to Sisley, Joe “Skip” Garcia, the University of Arizona's senior vice president for health sciences, told her in April that if she didn't provide a detailed account of her political activity, she wouldn't have a job. The researcher also said her political activity was questioned by Arizona state Senate President Andy Biggs, who introduced an amendment to the state budget bill earlier this year that would have essentially barred any money being spent on marijuana research.¶ Biggs has denied that he questioned Sisley's marijuana activism with the University of Arizona administration and government relations team, but said he did ask University of Arizona lobbyist Tim Bee if the study would have been funded from the state's medical marijuana fee fund. He maintains that he never urged university officials to terminate the professor and researcher.¶ “The university obviously doesn't want to touch this issue,” said Kathy Inman, state director of the Arizona chapter of the marijuana legalization advocacy group the National Organization for the Reform of Marijuana Laws, or NORML. “They don't want to be publicly associated with the high-profile marijuana wave moving across the country and Arizona.”¶ Rep. Ethan Orr sponsored the bill that allocated funding for Sisley's study. He is looking into Sisley's dismissal from the university, because, he said, “If there is some kind of behind-the-scenes string pulling going on that curtails educational freedom, that's just unacceptable.”¶ “Whether you're for it or against it,” Orr said, “you need to medically study the impact of the drug and impairment levels, or else you can't enforce these laws.”¶ Sisley said she is investigating whether she would be able to conduct the PTSD-medical marijuana study — which she spent five years working to obtain federal approval for — at another Arizona-based university or a university in another marijuana-friendly state. But she has expressed concern about how willing universities will be to hire her, as she has already been rejected from a few universities, including some that had previously commended her study and offered to help.¶ “Any university president is going to worry about taking me on,” she said. “Especially at a public university, where you have to rely on the good graces of the Legislature. These lawmakers hate me.”¶ Sisley explained that many “hyper-conservative lawmakers in Arizona are fundamentally opposed to marijuana research” and have “gone on record with reporters to say weed research is a strategy for achieving marijuana legalization.”¶ “They don't want to see any universities resources going to support this work,” she said, explaining that this is why she believes the university caved to political pressure and let her go.¶ Although Sisley was told that the university's decision to terminate her employment is final and “not subject to further administrative review,” Sisley has hired lawyer Jason Flores-Williams to file an administrative appeal in order to reinstate Sisley as an employee of the university.¶ “We can independently corroborate Dr. Sisley's outstanding performance reviews and show that she was generally recognized as being one of the most respected teachers and doctors on staff,” Flores-Williams said.¶ “The ones who are being injured here are veterans, people who have already sued the country,” he continued, noting that this is one reason why Sisley is prepared to take the university to court if necessary.¶ If Sisley's case does end up in court, she has a plethora of people ready to testify on her behalf, including Rick Doblin, executive director of the Multidisciplinary Association for Psychedelic Studies, the organization that was working with Sisley to obtain approval for the PTSD study.¶ On July 11, Doblin wrote a letter to Caroline Garcia, associate vice president for research at the University of Arizona, urging her to seriously consider reinstating Sisley, “an exemplary physician,” as firing Sisley only “postpone[s] research into a treatment with potentially beneficial contributions to the health of our veterans and others suffering from PTSD.”¶ “Dr. Sisley has a genuine passion for researching marijuana as a possible treatment for PTSD and a long track record providing clinical care to our vets with PTSD,” Doblin wrote. “She is also an expert and an educator about the range of medical uses of marijuana.¶ “MAPS has successfully partnered with Dr. Sisley on our study for many years as we have struggled for and obtained regulatory approval. She is uniquely qualified to be the Principal Investigator to conduct this study in a methodologically rigorous manner. MAPS will continue to partner with Dr. Sisley through our next challenge to secure a supportive home for this crucial work, ideally still at the University of Arizona.”¶ The American Civil Liberties Union has also expressed support for Sisley, as has the marijuana legalization advocacy group the Marijuana Policy Project, which has launched a campaign to put the legalization of recreational marijuana on the ballot in Arizona in 2016.

FDA won't approve medical marijuana as long as it's in Big Pharma's pocket.

Woolridge 09- Director of the Campaign for Liberty (Woolridge, Howard; Why Big Pharma Hates Medical Marijuana; 12/02/09; Bluelight; 07/13/15; www.bluelight.org/vb/threads/475541-Why-Big-Pharma-Hates-Medical-Marijuana) JG

Store-Bought Pills vs. Grow-Your-Own Meds

¶ Once upon a time in America a citizen had complete freedom (along with the personal responsibility) to discover and use anything they believed might help them with a medical problem. One such discovery was the medicinal use of cannabis. By the late 19th century its use had been widely accepted for both human and animal applications. Cannabis was virtually cost-free to grow (it is classified a weed), highly effective, low side-effect and low, nearly zero addictive properties. Cannabis was sold legally and in harmony with its more powerful shelf mates like heroin, morphine and cocaine. For religious reason Utah in 1914 became the first of many states to prohibit its sale. In the 21st century its re-introduction as a medicine is being blocked, not by religion but rather by possibly the most powerful, well-financed lobby in Washington, Big Pharma. ¶ ¶ Why does Big Pharma spend millions to block cannabis? Simple, the money. According to industry figures, the world spends roughly 640 billion on pills. If cannabis were legally obtainable, Big Pharma would lose somewhere between 1-5% of the store-bought pill market; some 6.4 to 30 billion dollars. The Industry knows that to make a campaign contribution (aka a bribe -- put money in the freezer) to a politician is much more cost-effective than to face God's medicine on the shelf at the local pharmacy. The Industry also contributes massively to groups like Partnership for a Drug-Free America. PDFA's title is deceptive. They take money from Big Pharma to make you very afraid of cannabis (it is xx stronger than 30 years ago, yikes!!) so use Tylenol instead (which actually kills people every year -- the Washington Post just printed several, full-page ads warning consumers that too much Tylenol can lead to injury and death). Cannabis of course has never caused a death and its medicinal use has yet to cause a recorded injury. PDFA's purpose is to force you to use the pills of Big Pharma, NOT actually drug-free. ¶ ¶ While many across North America know the varied problems which cannabis can provide relief from, scientific research is blocked by the DEA which by law cannot provide any cannabis for a researcher who wants to see if cannabis is medically useful. In this manner Big Pharma can direct its mouthpieces to say there is no USA research to show the efficacy of cannabis (recall then Vice President Gore in the 2000 debate saying he could not support medical cannabis because of the lack of research). Nine months into the Obama administration the DEA is still not allowing medical doctors the cannabis they need to do research and double blind studies. ¶ ¶ The four million horse owners and the million or so who raise cattle in this country might be more interested in this topic, if they knew how widely cannabis used to be applied to animals. My first rodeo as a lobbyist was in the winter of 2003 in Austin, Texas. I had the original 1919 bill which prohibited cannabis use pull and copied. The bill contained an exception for both human and animal needs. A veterinarian had to fill out a form which described the equine or bovine, the medical problem and the course of the treatment employing cannabis. As all horse owners know, an equine stomach can tolerate only small amounts of painkiller for a relatively short time (6-8 weeks of Bute). Cannabis on the other hand whether applied externally as a poultice (like on an ankle) or taken internally could be taken in massive amounts for long periods without adverse problems. ¶ ¶ In 2007 the Swiss government called upon its farmers to stop giving cannabis to milk-producing cows. The reason was image, not safety. The Swiss farmers had learned that cows were happier and mellow when fed cannabis & thus produced more milk. As studies show about 70% of the humans use cannabis as pain medicine, others with depression, bi-polar, PTSD and other mental conditions use it effectively to treat their situation. No doubt high strung horses would probably benefit from cannabis but studies can not be done, yet. On a personal note my wife has spent over 800 dollars for doggie Prozac between the exams, blood workups and the expensive meds. Probably cannabis would have chilled out her little poodle for much, much less. ¶ ¶ The pharmaceutical industry will continue its stranglehold on consumers as long as we allow it. When police officers resist laws allowing medical marijuana, we know they are protecting jobs and good overtime checks. When doctors testify against it, we know that some people will say anything for enough money. Big Pharma will fight this effective alternative to store-bought pills until the bitter end. It is all about money. Grow your own meds in your back yard like President Jefferson did? Forget about it!! ¶ ¶ Copyright © 2009 Campaign for Liberty ¶ <http://www.campaignforliberty.com/article.php?view=403>

Big Pharma's influence fuels anti-legalization forces.

Cohen 14- the co-founder of Ben & Jerry's Ice Cream and the founder and head stamper of StampStampede.org, a non-profit dedicated to reducing the corrupting influence of money in politics (Cohen, Ben; Dec. 8, 2014; Who's Really Fighting Legal Weed; US News; 07/13/15; www.usnews.com/opinion/articles/2014/12/08/pot-legalization-opponents-aim-to-protect-their-bottom-line) JG

¶ On TV and billboards, the fight against legalizing marijuana is about health, safe communities and our children's future. But for Big Pharma and Big Tobacco -- who fund these anti-marijuana efforts -- it's really about the bottom line. For years, large corporations and well-heeled lobbyists have blocked the legalization of marijuana for medical use or recreational use in order to protect their own profits. ¶ ¶ Florida's failed constitutional amendment to legalize marijuana for medical

use illustrates how money, and not morals, motivates this issue. ¶ ¶ This year, the anti-amendment group, Drug Free Florida, spent millions on ads to get Floridians to believe medical marijuana was harmful even if it has repeatedly been proven to have many health benefits. It is ironic that the group ran ads implying children would be unsafe if Florida's initiative passed when the group's founder set up a drug rehab program shuttered after several allegations of false imprisonment, abuse and torture of children. ¶ ¶ [SEE: Editorial Cartoons on Pot Legalization] ¶ ¶ Like other law enforcement agencies throughout the country, the Florida Sheriffs Association also lent a hand in preventing the amendment from passing. Most police departments make a lot of extra revenue from auctioning off seized property during a pot bust. In fact, the sheriff heading the Florida association has cited "seizures from marijuana grow houses as a key revenue source for his department." ¶ ¶ The crusaders against weed constitute a long list of suspiciously self-interested folks. Lobbyists work hard to secure for police departments millions of dollars in federal grants towards eradicating weed. ¶ ¶ Pharmaceutical companies compensate leading anti-marijuana researchers in order to keep their customers on painkillers over cannabis, which is cheaper. The prison-industrial complex would like to keep making money on building more prisons to fill with non-violent grass-smokers. ¶ ¶ The alcohol and beer industries have also lobbied for years to keep marijuana illegal because they fear the competition that legalized weed would bring. Howard Wooldrige, an anti-drug war activist and retired cop told the online publication Republic Report: "Marijuana and alcohol compete right today as a product to take the edge off the day at six o'clock." ¶ ¶ According to the Pew Research Center, the majority of Americans support legalizing marijuana. ¶ ¶ [COMMENTARY ROUND-UP: Wins for Pot, Guns and Wages] ¶ ¶ And it is in our country's financial interests to do so. The federal government can gain billions in taxing weed and also spend less taxpayer dollars on incarcerating harmless stoners. But too many of our representatives continue to tout primitive anti-drug talking points to please the big businesses who write them campaign checks. In a free market, businesses need to innovate to compete with their rivals. But instead large corporations pay for political favors so that Washington can quash their competition with regressive laws. This is crony capitalism, it's a system that Sen. John McCain, R-Ariz., calls "legalized bribery." And it has to stop. Money in politics is bad for business, and it's bad for democracy. ¶ ¶ Ordinary people can make a difference when they organize around a common goal. In this year's midterm elections, enough pro-marijuana voters showed up to the polls in the District of Columbia, Oregon and Alaska to approve the use of recreational marijuana – joining Colorado and Washington. Florida's amendment was only two percent short of passing even with the forceful push-back from big money. And 23 states have already legalized marijuana for medicinal purposes. ¶ ¶ When the status quo is not working for us, and our political system doesn't reflect the people they govern, it's up to us to fight back.

Reject their authors- they're paid off by Big Pharma

Fang 14- Vice News Contributor (Fang, Lee; Sept. 7, 2014; Leading Anti- Marijuana Academics ARE PAID BY Painkiller Drug Companies; Vice News 07/13/15; <https://news.vice.com/article/leading-anti-marijuana-academics-are-paid-by-painkiller-drug-companies>) JG

Voters took a stand against wealthy groups and showed up to the polls to liberate marijuana use in their states. Big money ¶ can't defeat people power – and eventually, the public will rout big money out of the nation's capital. As with the legalization of marijuana, it's just a matter of time. ¶ As Americans continue to embrace pot—as medicine and for recreational use—opponents are turning to a set of academic researchers to claim that policymakers should avoid relaxing restrictions around marijuana. It's too dangerous, risky, and untested, they say. Just as drug company-funded research has become incredibly controversial in recent years, forcing major medical schools and journals to institute strict disclosure requirements, could there be a conflict of interest issue in the pot debate? ¶ VICE has found that many of the researchers who have advocated against legalizing pot have also been on the payroll of leading pharmaceutical firms with products that could be easily replaced by using marijuana. When these individuals have been quoted in the media, their drug-industry ties have not been revealed. ¶ Take, for example, Dr. Herbert Kleber of Columbia University. Kleber has impeccable academic credentials, and has been quoted in the press and in academic publications warning against the use of marijuana, which he stresses may cause wide-ranging addiction and public health issues. But when he's writing anti-pot opinion pieces for CBS News, or being quoted by NPR and CNBC, what's left unsaid is that Kleber has served as a paid consultant to leading prescription drug companies, including Purdue Pharma (the maker of OxyContin), Reckitt Benckiser (the producer of a painkiller called Nurofen), and Alkermes (the producer of a powerful new opioid called Zohydro). ¶ Denver's Marijuana Gold Rush Is Forcing Out Locals. Read more here. ¶ Kleber, who did not respond to a request for comment, maintains important influence over the pot debate. For instance, his writing has been cited by the New York State Association of Chiefs of Police in its opposition to marijuana legalization, and has been published by the American Psychiatric Association in the organization's statement warning against marijuana for medicinal uses. ¶ Could Kleber's long-term financial relationship with drug firms be viewed as a conflict of interest? Studies have found that pot can be used for pain relief as a substitute for major prescription painkillers. The opioid painkiller industry is a multibillion business that has faced rising criticism from experts because painkillers now cause about 16,000 deaths a year, more than heroin and cocaine

combined. Researchers view marijuana as a safe alternative to opioid products like OxyContin, and there are no known overdose deaths from pot.¶ Dr. Herbert Kleber, an anti-marijuana doctor who has served as a paid consultant to Purdue Pharma, the maker of OxyContin. Image via YouTube.¶ Other leading academic opponents of pot have ties to the painkiller industry. Dr. A. Eden Evins, an associate professor of psychiatry at Harvard Medical School, is a frequent critic of efforts to legalize marijuana. She is on the board of an anti-marijuana advocacy group, Project SAM, and has been quoted by leading media outlets criticizing the wave of new pot-related reforms. "When people can go to a 'clinic' or 'cafe' and buy pot, that creates the perception that it's safe," she told the Times last year.¶ These academic revelations add fodder to the argument that drug firms maintain quiet ties to the marijuana prohibition lobby.¶ Notably, when Evins participated in a commentary on marijuana legalization for the Journal of Clinical Psychiatry, the publication found that her financial relationships required a disclosure statement, which noted that as of November 2012, she was a "consultant for Pfizer and DLA Piper and has received grant/research support from Envivo, GlaxoSmithKline, and Pfizer." Pfizer has moved aggressively into the \$7.3 billion painkiller market. In 2011, the company acquired King Pharmaceuticals (the makers of several opioid products) and is currently working to introduce Remoxy, an OxyContin competitor.¶ DEA Accused of Obstructing Research on Marijuana Benefits. Read more here.¶ Dr. Mark L. Kraus, who runs a private practice and is a board member to the American Society of Addiction Medicine, submitted testimony in 2012 in opposition to a medical marijuana law in Connecticut. According to financial disclosures, Kraus served on the scientific advisory panel for painkiller companies such as Pfizer and Reckitt Benckiser in the year prior to his activism against the medical pot bill. Neither Kraus or Evins responded to a request for comment.¶ These academic revelations add fodder to the argument that drug firms maintain quiet ties to the marijuana prohibition lobby. In July, I reported for the Nation that many of the largest anti-pot advocacy groups, including the Community Anti-Drug Coalitions for America, which has organized opposition to reform through its network of activists and through handing out advocacy material (sample op-eds against medical pot along with Reefer Madness-style videos, for example), has relied on significant funding from painkiller companies, including Purdue Pharma and Alkermes. Pharmaceutical-funded anti-drug groups like the Partnership for Drug-Free Kids and CADCA use their budget to obsess over weed while paying lip-service to the much bigger drug problem in America of over-prescribed opioids.¶ As ProPublica reported, painkiller-funded researchers helped fuel America's deadly addiction to opioids such as OxyContin and Vicodin. These academics, with quiet funding from major pain pill firms, encouraged doctors to over-prescribe these drugs for a range of pain relief issues, leading to where we stand today as the world's biggest consumer of painkillers and the overdose capital of the planet. What does it say about medical academia today that many of that painkiller-funded researchers are now standing in the way of a safer alternative: smoking a joint.

FDA's stance doesn't reflect scientific consensus- plan key to revitalize.

Ferner 15- a national reporter for the Huffington Post. He was previously the editor of HuffPost Denver. Matt is a graduate of the University of Colorado Boulder and the University of California, Los Angeles (Ferner, Matt; 01/26/15; Doctors Call on DEA To Reschedule Marijuana For Medical Research Purposes; Huffington Post; 07/13/15; www.huffingtonpost.com/2015/01/26/pediatricians-call-on-dea_n_6550486.html) JG

¶ The American Academy of Pediatrics is requesting that the Drug Enforcement Administration reclassify marijuana as a less harmful substance in order to facilitate research of the substance for medical use, according to a policy statement released Monday.¶ "The AAP strongly supports research and development of pharmaceutical cannabinoids and supports a review of policies promoting research on the medical use of these compounds," the AAP statement reads. To that end, the group recommends that the DEA reschedule marijuana from a Schedule I controlled substance to Schedule II.¶ Under the Controlled Substances Act, the U.S. has five "schedules" for drugs and chemicals that can be used to make drugs. Schedule I is reserved for drugs that the DEA considers to have the highest potential for abuse and no "currently accepted medical use." Marijuana has been classified as Schedule I for decades, along with other substances like heroin and LSD. While a lower schedule for marijuana would not make it legal, it could ease restrictions on researching the drug.¶ ¶ While the AAP added that it does not support the legalization of marijuana, citing the potential harms to children and adolescents, it did say that it "strongly" supports the decriminalization of marijuana use and encourages pediatricians to "advocate for laws that prevent harsh criminal penalties for possession or use of marijuana."¶ ¶ "A focus on treatment for adolescents with marijuana use problems should be encouraged, and adolescents with marijuana use problems should be referred to treatment," the statement said.¶ ¶ Monday's statement is the first change to AAP policy on the issue since 2004. At that time, the group did not request a schedule change.¶ ¶ The DEA is the federal agency that is primarily responsible for regulating controlled substances like marijuana. But the Food and Drug Administration, along with the National Institute on Drug Abuse, provides the DEA with

recommendations about the appropriate level of restriction for various illicit substances.¶¶ The FDA is already engaged in a review of the medical evidence surrounding the safety and effectiveness of marijuana. The evaluation was initiated due to a request from the DEA, following a number of citizens' petitions asking for a review. According to the Controlled Substances Act, the government must consider eight factors when deciding the schedule under which a substance should be classified. These include its potential for abuse, the state of current scientific knowledge about the substance and its psychic or physiological dependence liability.¶¶ The FDA could not confirm to The Huffington Post how long the review process takes, but expressed support for AAP's move.¶¶ "FDA can't comment on the suggestion to change the schedule for marijuana, as the latest FDA review of the issue -- known as the 8-factor analysis -- is currently ongoing, FDA press officer Jeff Ventura said Monday. "However, FDA agrees with the call by the AAP for rigorous scientific research into the uses of marijuana ... [and] supports those in the medical research community who seek to study marijuana."¶¶ The DEA has made previous requests, in 2001 and 2006, to the FDA for an evaluation of marijuana. Those requests were the results of public petitions requesting a rescheduling, FDA Deputy Director Doug Throckmorton explained in testimony delivered during a congressional hearing last year. But DEA regulators determined after both of those reviews that marijuana should remain a Schedule I substance. The FDA cited insufficient available research about marijuana's effectiveness in treating a number of ailments.¶¶ While the FDA hasn't advocated for legalization of the drug, it said in a 2014 update to its guidelines on marijuana that it is "aware that there is considerable interest in its use to attempt to treat a number of medical conditions, including, for example, glaucoma, AIDS wasting syndrome, neuropathic pain, cancer, multiple sclerosis, chemotherapy-induced nausea, and certain seizure disorders."

Impacts: MJ k Disease

The stakes have never been “higher”- medicinal pot is key to treat diseases

Welsh and Loria 14- Business Insider Contributors (Welsh, Jennifer; Loria, Kevin; 23 Health Benefits of Marijuana; Business Insider; 04/20/14; 07/12/15; www.businessinsider.com/health-benefits-of-medical-marijuana-2014-4?op=1#ixzz3fEuolpJ0) JG

States around the country — more than 20 in total — have legalized medical marijuana. ¶ Experts have been changing their minds too — recently, CNN's chief medical correspondent Sanjay Gupta reversed his opinion on medical marijuana.¶ While recreational pot usage is controversial, many people agree with Gupta's new stance, and believe that the drug should be legal for medical uses.¶

And even though the benefits of smoking pot may be overstated by advocates of marijuana legalization, new laws will help researchers study the drug's medicinal uses and better understand how it impacts the body.¶ Currently only 6% of studies on marijuana analyze its medicinal properties.¶ Keep in mind, though, that there are negative effects of smoking too much pot or using it for non-medicinal purposes. When overused or abused, pot can lead to dependency and mess with your memory and emotions.¶ There are at least two active chemicals in marijuana that researchers think have medicinal applications. Those are cannabidiol (CBD) — which seems to impact the brain without a high — and tetrahydrocannabinol (THC) — which has pain relieving (and other) properties.¶ Also keep in mind that some of these health benefits can potentially be gained by taking THC pills like Dronabinol, a synthetic form of THC, which in some ways might be more effective than smoked marijuana.¶ Randy Astaiza contributed to an earlier version of this story.¶ View As: One Page Slides¶ It can be used to treat Glaucoma.¶ It can be used to treat Glaucoma. ¶ thematthewknot via Flickr¶ Marijuana use can be used to treat and prevent the eye disease glaucoma, which

increases pressure in the eyeball, damaging the optic nerve and causing loss of vision.¶ Marijuana decreases the pressure inside the eye, according to the National Eye Institute: "Studies in the early 1970s showed that marijuana, when smoked, lowered intraocular pressure (IOP) in people with normal pressure and those with glaucoma."¶ These effects of the drug may slow the progression of the disease, preventing blindness.¶ It may help reverse the carcinogenic effects of tobacco and improve lung health.¶ It may help reverse the carcinogenic effects of tobacco and improve lung health.¶ Christopher Furlong/Getty Images¶ According to a study published in Journal of the American Medical Association in January 2012, marijuana does not impair lung function and can even increase lung capacity.¶ Researchers looking for risk factors of heart disease tested the lung function of 5,115 young adults over the course of 20 years. Tobacco smokers lost lung function over time, but pot users actually showed an increase in lung capacity.¶ It's possible that the increased lung capacity maybe due to taking a deep breaths while inhaling the drug and not from a therapeutic chemical in

the drug.¶ It can help control epileptic seizures.¶ It can help control epileptic seizures.¶ AP/Damian Dovarganes¶ Marijuana use can prevent epileptic seizures, a 2003 study showed.¶ Robert J. DeLorenzo, of Virginia Commonwealth University, gave marijuana extract and synthetic marijuana to epileptic rats. The drugs rid the rats of the seizures for about 10 hours. Cannabinoids like the active ingredients in marijuana, tetrahydrocannabinol (also known as THC), control seizures by binding to the brain cells responsible for controlling excitability and regulating relaxation.¶ The findings were published in the Journal of Pharmacology and Experimental Therapeutics.¶ It also decreases the symptoms of a severe seizure disorder known as Dravet's Syndrome.¶ It also decreases the symptoms of a severe seizure disorder known as Dravet's Syndrome.¶ CNN/WEED¶ Charlotte Figi has Dravet's Syndrome, and her parents are giving her marijuana to treat her seizures.¶ During the research for his documentary "Weed," Gupta interviewed the Figi family, who treats their 5-year-old daughter using a medical marijuana strain high in cannabidiol and low in THC.¶ Their daughter, Charlotte, has Dravet Syndrome, which causes seizures and severe developmental delays.¶ According to the film, the drug has decreased her seizures from 300 a week to just one every seven days. Forty other children in the state are using the same strain of marijuana to treat their seizures — and it seems to be working.¶ The doctors who recommended this treatment say that the cannabidiol in the plant interacts with the brain cells to quiet the excessive activity in the brain that causes these seizures.¶ As Gutpa notes, a Florida hospital that specializes in the disorder, the American Academy of Pediatrics, and the Drug Enforcement agency don't endorse marijuana as a treatment for Dravet or other seizure disorders.¶ A chemical found in marijuana stops cancer from spreading.¶ A chemical found in marijuana stops cancer from spreading. ¶ crafty_dame via flickr¶ CBD may help prevent cancer from spreading, researchers at California Pacific Medical Center in San Francisco reported in 2007.¶ Cannabidiol stops cancer by turning off a gene called Id-1, the study, published in the journal Molecular Cancer Therapeutics, found. Cancer cells make more copies of this gene than non-

cancerous cells, and it helps them spread through the body.¶ The researchers studied breast cancer cells in the lab that had high expression levels of Id-1 and treated them with cannabidiol. After treatment the cells had decreased Id-1 expression and were less aggressive spreaders.¶ In "WEED," Gupta also mentioned a few studies in the U.S., Spain, and Israel that suggest the

compounds in cannabis could even kill cancer cells.¶ **It may decrease anxiety.**¶ It may decrease anxiety.¶ Flickr/sergeant killjoy¶ Medical marijuana users claim the drug helps relieve pain and suppress nausea — the two main reasons it's often used to relieve the side effects of chemotherapy.¶ In 2010, researchers at Harvard Medical School suggested that that some of the drug's benefits may actually be from reduced anxiety, which would improve the smoker's mood and act as a sedative in low doses.¶ Beware, though, higher doses may

increase anxiety and make you paranoid.¶ **THC slows the progression of Alzheimer's disease.**¶ THC slows the progression of Alzheimer's disease.¶

REUTERS/Brian Snyder¶ Marijuana may be able to slow the progression of Alzheimer's disease, a study led by Kim Janda of the Scripps Research Institute suggests.¶ The 2006 study, published in the journal Molecular Pharmacology, found that THC, the active chemical in marijuana, slows the formation of amyloid plaques by blocking the enzyme in the brain that makes them. These

plaques are what kill brain cells and cause Alzheimer's.¶ **The drug eases the pain of multiple sclerosis.**¶ The drug eases the pain of multiple sclerosis.¶

AP/Matilde Campodonico¶ Marijuana may ease painful symptoms of multiple sclerosis, a study published in the Canadian Medical Association Journal in May suggests.¶ Jody Corey-Bloom studied 30 multiple sclerosis patients with painful contractions in their muscles. These patients didn't respond to other treatments, but after smoking marijuana for a few days they were in less pain.¶ The THC in the pot binds to receptors in the nerves and muscles to relieve pain. Other studies suggest that the chemical also helps control the muscle spasms.¶ Other types of muscle spasms could be helped too.¶ Other types of muscle spasms could be helped too.¶ CNN/WEED¶ Other types of muscle spasms respond to marijuana as well. Gupta also found a teenager named Chaz who was using medical marijuana to treat diaphragm spasms that were untreatable by other, prescribed and very strong, medications.¶ His condition is called myoclonus diaphragmatic flutter (also known as Leeuwenhoek's Disease) and causes non stop spasming in the abdominal muscles which are not only painful, but interfere with breathing and speaking.¶

Smoking marijuana is able to calm the attacks almost immediately, as it calms the muscles of the diaphragm.¶ **It lessens side effects from treating hepatitis**

C and increases treatment effectiveness.¶ It lessens side effects from treating hepatitis C and increases treatment effectiveness.¶ Reuters¶ California

dispensaries have been the subject of federal raids¶ Treatment for hepatitis C infection is harsh — negative side effects include fatigue, nausea, muscle aches, loss of appetite, and depression — and lasts for months. Many people aren't able to finish their treatment course because of the side effects.¶ But, pot to the rescue: A 2006 study in the European Journal of Gastroenterology and Hepatology found that 86% of patients using marijuana successfully completed their Hep C therapy, while only 29% of non-smokers completed their treatment, possibly because the

marijuana helps lessens the treatments side effects.¶ **Marijuana** also seems **to improve the treatment's effectiveness: 54%** of hep C patients

smoking marijuana got their viral levels low and kept them low, in comparison to only 8% of nonsmokers.¶ **Marijuana treats inflammatory bowel**

diseases.¶ Marijuana treats inflammatory bowel diseases.¶ another sergio via Flickr¶ Patients with inflammatory bowel diseases like Crohn's disease and ulcerative colitis could benefit from marijuana use, studies suggest. ¶ University of Nottingham researchers found in 2010 that chemicals in marijuana, including THC and cannabidiol, interact with cells in the body that play

an important role in gut function and immune responses. The study was published in the Journal of Pharmacology and Experimental Therapeutics.¶ THC-like compounds made by the body increase the permeability of the intestines, allowing bacteria in. The plant-derived cannabinoids in marijuana block these body-cannabinoids, preventing this permeability and making the

intestinal cells bond together tighter.¶ **It relieves arthritis discomfort.**¶ It relieves arthritis discomfort.¶ AP Photo/Kevin Rivoli¶ Marijuana alleviates pain, reduces inflammation, and promotes sleep, which may help relieve pain and discomfort for people with rheumatoid arthritis, researchers announced in 2011.¶ Researchers from rheumatology units at several hospitals gave their patients Sativex, a cannabinoid-based pain-relieving medicine. After a two-week period, people on Sativex had a significant reduction in pain and improved sleep

quality compared to placebo users.¶ **It keeps you skinny and helps your metabolism.**¶ It keeps you skinny and helps your metabolism.¶ Flickr¶ A study published in the American Journal Of Medicine on April 15 of last year suggested that pot smokers are skinnier than the average person and have healthier metabolism and reaction to sugars, even though they do end up eating more calories because of the munchies.¶ The study analyzed data from more than 4,500 adult Americans — 579 of whom were current marijuana smokers, meaning they had smoked in the last month. About 2,000 had used marijuana in the past, while another 2,000 had never used the drug.¶ They studied their body's response to eating sugars:

their levels of the hormone insulin and their blood sugar levels while they hadn't eaten in nine hours, and after eating sugar.¶ **Not only are pot users skinnier, but**

their body has a healthier response to sugar.¶ It improves the symptoms of Lupus, an autoimmune disorder.¶ It improves the symptoms of Lupus, an autoimmune disorder. ¶ Leonard C. Sperling, M.D., COL, MC, USA, Department of Dermatology, Uniformed Services University¶ Medical marijuana is being used to treat the autoimmune

disease Systemic Lupus Erythematosus, which is when the body starts attacking itself for some unknown reason.¶ Some chemicals in marijuana seem to have a calming effect on the immune system, which may be how it helps deal with symptoms of Lupus. The rest of the positive impact of the marijuana is probably from the effects on pain and nausea.¶ While not really a health

benefit, **marijuana spurs creativity in the brain.**¶ While not really a health benefit, marijuana spurs creativity in the brain. ¶ Getty Images / Marc Piscotty¶

Contrary to stoner stereotypes, marijuana usage has actually been shown to have some positive mental

effects, particularly in terms of increasing creativity. Even though people's short-term memories tend to function worse when high, people get better at tests requiring them to come up

with new ideas.¶ One study tested participants on their ability to come up with different words related to a concept, and found that using cannabis allowed people to come up with a greater range of related concepts, seeming "to make the brain better at detecting those remote associations that lead to radically new ideas," according to Wired.¶ Other researchers have found that some participants improve their "verbal fluency," their ability to come up with different words, while using marijuana.¶ Part of this increased creative ability may come from the release of

dopamine in the brain, lessening inhibitions and allowing people to feel more relaxed, giving the brain the ability to perceive things differently.¶ **Marijuana might be able**

to help with Crohn's disease.¶ Marijuana might be able to help with Crohn's disease.¶ Getty Images/David McNew¶ Crohn's disease is an inflammatory bowel

disorder that causes pain, vomiting, diarrhea, weight loss, and more. But a recent study in Israel showed that **smoking a joint significantly reduced Crohn's**

disease symptoms in 10 out of 11 patients, and caused a complete remission of the disease in five of

those patients.¶ That's a small study, but other research has shown similar effects. The cannabinoids from marijuana seem to help the gut regulate bacteria and intestinal

function.¶ **Pot soothes tremors for people with Parkinson's disease.**¶ Pot soothes tremors for people with Parkinson's disease.¶ Walter Hickey / BI¶ Recent research from Israel shows that smoking marijuana significantly reduces pain and tremors and improves sleep for Parkinson's disease patients. Particularly impressive was the improved fine motor skills among patients.¶ Medical marijuana is legal in Israel for multiple conditions, and a lot of research into the medical uses of cannabis is done there, supported by the

Israeli government.¶ **Marijuana helps veterans suffering from PTSD.**¶ Marijuana helps veterans suffering from PTSD.¶ Walter Hickey / BI¶ The Department of Health and Human Services recently signed off on a proposal to study marijuana's potential as part of treatment for veterans with post-traumatic stress disorder. ¶

Marijuana is approved to treat PTSD in some states already. In New Mexico, PTSD is the number one reason for people to get a license for

medical marijuana, but this is the first time the U.S. government has approved a proposal that incorporates smoked or vaporized marijuana, which is currently classified by the government as a

drug with no accepted medical applications.¶ **Naturally occurring cannabinoids, similar to THC, help regulate the system that**

causes fear and anxiety in the body and brain.¶ **Marijuana protects the brain after a stroke.**¶ Marijuana protects the brain after a

stroke.¶ v1ctor. via www.flickr.com creative commons¶ Research from the University of Nottingham shows that marijuana may help protect the brain from damage caused by stroke, by reducing the size of the area affected by the stroke — at least in rats, mice, and monkeys.¶ This isn't the only research that has shown neuroprotective effects from cannabis. Some research

shows that the plant may help protect the brain after other traumatic events, like concussions. ¶ It might protect the brain from concussions and trauma. ¶ It might protect the brain from concussions and trauma. ¶ Al Bello/Getty Images ¶ There is some evidence that marijuana can help heal the brain after a concussion or other traumatic injury. A recent study in the journal Cerebral Cortex showed that in mice, marijuana lessened the bruising of the brain and helped with healing mechanisms after a traumatic injury. ¶ Harvard professor emeritus of psychiatry and marijuana advocate Lester Grinspoon recently wrote an open letter to NFL Commissioner Roger Goodell, saying the NFL should stop testing players for marijuana, and that the league should start funding research into the plant's ability to protect the brain. ¶ "Already, many doctors and researchers believe that marijuana has incredibly powerful neuroprotective properties, an understanding based on both laboratory and clinical data," he writes. ¶ Goodell recently said that he'd consider permitting athletes to use marijuana if medical research shows that it's an effective neuroprotective agent. ¶ It can help eliminate nightmares. ¶ It can help eliminate nightmares. ¶ AP ¶ This is a complicated one, because it involves effects that can be both positive and negative. Marijuana disturbs sleep cycles by interrupting the later stages of REM sleep. In the long run, this could be a problem for frequent users. ¶ However, for people suffering from serious nightmares, especially those associated with PTSD, this can be helpful. Nightmares and other dreams occur during those same stages of sleep. By interrupting REM sleep, many of those dreams may not occur. Research into using a synthetic cannabinoid, like THC, but not the same, showed a significant decrease in the number of nightmares in patients with PTSD. ¶ Additionally, even if frequent use can be bad for sleep, marijuana may be a better sleep aid than some other substances that people use. Some of those, including medication and alcohol, may potentially have even worse effects on sleep, though more research is needed on the topic. ¶ Weed reduces some of the awful pain and nausea from chemo, and stimulates appetite. ¶ Weed reduces some of the awful pain and nausea from chemo, and stimulates appetite. ¶ Harrison Jacobs/Business Insider ¶ One of the most well-known medical uses of marijuana is for people going through chemotherapy. ¶ Cancer patients being treated with chemo suffer from painful nausea, vomiting, and loss of appetite. This can cause additional health complications. ¶ Marijuana can help reduce these side effects, alleviating pain, decreasing nausea, and stimulating the appetite. There are also multiple FDA-approved cannabinoid drugs that use THC, the main active chemical in marijuana, for the same purposes. ¶ Marijuana can help people trying to cut back on drinking. ¶ Marijuana can help people trying to cut back on drinking. ¶ YouTube ¶ Marijuana is safer than alcohol. That's not to say it's completely risk free, but it's much less addictive and doesn't cause nearly as much physical damage. ¶ Disorders like alcoholism involve disruptions in the endocannabinoid system. Because of that, some people think cannabis might help patients struggling with those disorders. ¶ Research in Harm Reduction Journal shows that some people use marijuana as a less harmful substitute for alcohol, prescription drugs, and other illegal drugs. Some of the most common reasons for patients to make that substitution are the less adverse side effects from marijuana and the fact that it is less likely to cause withdrawal problems. ¶ Some people do become psychologically dependent on marijuana, and this doesn't mean that it's a cure for substance abuse problems. But, from a harm-reduction standpoint, it can help. ¶ Read more: <http://www.businessinsider.com/health-benefits-of-medical-marijuana-2014-4?op=1#ixzz3fEuolpJ0> ¶

Impacts: MJ k Econ

Legalization could catalyze the US into a new era of economic “highs.”

Smith 14 Daily Dot Contributor (Smith, S.E.; 11/06/14; Why We Need to Finally Legalize Marijuana; Daily Dot; 06/12/15; www.dailydot.com/opinion/marijuana-legalization-economic-argument/) JG

As the midterms this week showed us, America doesn't agree on a lot, but it can agree on weed: A growing number of states are done with prohibition and ready to legalize, or at least decriminalize, marijuana for recreational and/or medical uses. They're backed by publications and individuals from every point on the political spectrum, including the staidly conservative Economist and, of course, organizations like the National Organization for the Reform of Marijuana Laws (NORML). ¶ Setting aside the myriad reasons presented for legalization—like confronting racist marijuana policy, ending moral panic over drugs, lowering crime rates, and ending drug-related pollution—there's one clear case for legalization, and it boils down to this: It's the money, stupid. ¶ Legalizing marijuana on a federal level would provide economic benefits for the United States in the billions, precisely at a time when the federal economy needs a major boost. It's not just the feds, however, who would benefit; legalization would provide top-down economic improvements in local communities, state coffers, and more. In addition to bringing in funds, it would save regional and state governments substantial sums in currently wasted law enforcement dollars. ¶ For a country obsessed with free market capitalism and government spending, the United States has been slow to act on repealing marijuana prohibition, thanks to the tangled associations between marijuana and morality. In a nation where substances like tobacco and alcohol remain legal, highly regulated, and highly profitable,

it's surprising to see marijuana still tarred in stigma—especially when Clinton, Bush, and Obama have all admitted to having a toke (whether they inhaled or not).¶ On Tuesday, Washington D.C. approved legalization (this pends Congressional approval), joined by Oregon and Alaska. Florida narrowly defeated another legalization measure, hampered only by the majority needed to make a constitutional amendment. Washington and Colorado had already fully legalized the drug, and numerous other states either have medical use or decriminalization statutes on the books. (California's 215 is probably the most famous, as the state was and remains an early leader in marijuana policy reform.)¶ In a 1970 essay for the New York Times, Gore Vidal spoke to a previous era of prohibition in U.S. history, cautioning the reader to avoid repeating the lessons of the past. Vidal wrote, "No one in Washington today recalls what happened during the years alcohol was forbidden to the people by a Congress that thought it had a divine mission to stamp out Demon Rum and so launched the greatest crime wave in the country's history, caused thousands of deaths from bad alcohol, and created a general (and persisting) contempt for the laws of the United States."¶ 44 years later, the editorial board of the same publication was calling for full legalization. "It has been more than 40 years since Congress passed the current ban on marijuana, inflicting great harm on society just to prohibit a substance far less dangerous than alcohol," the editors wrote, going on to debunk many of the social arguments against legalization and making a compelling case for ending prohibition. One factor the editorial didn't address in detail, however, was the economic reasoning for allowing marijuana to be sold freely in the U.S.¶ **The most obvious economic aspect** of the case for legalization **lies in tax revenues**. Average annual trade in marijuana is **estimated at \$113 billion**, which represents nearly \$45 billion in taxes slipping through our fingers, according to Harvard economist Jeffrey Miron. Without being able to regulate and monitor the sale of marijuana, tax authorities miss out on municipal, state, and federal taxes that could fund a broad assortment of initiatives—including, of course, assistance programs for drug users, a measure supported in lieu of incarceration by over two thirds of Americans.¶ Given the large volume of marijuana trafficked in the U.S. annually, these gains could be quite significant. While some argue that legalization will cause prices to drop, this could be offset by a predicted increase in consumption (though some argue against this claim). This offset may not be viewed positively by all, **but one of the cornerstones of freedom**, after all, **is the freedom to make personal decisions** about what you put in your body and when. **With legalization, those who choose to consume marijuana** and byproducts like edible and tincture of cannabis **would at least be assured regulated, safe products**.¶ **Taking marijuana out of the black market** and into the public light **also provides clear savings for the government** on top of net tax gains. **The drug war costs the U.S. government a tremendous amount** annually, and while this falling initiative covers a range of Schedule I drugs (including not just marijuana but cocaine, heroin, and meth), spending would certainly decline without marijuana in the picture. Instead of **wasting \$1 trillion dollars on direct law enforcement initiatives yearly** to investigate suspected growers, traffickers, and dealers, the government could focus on more pressing initiatives.¶ **Legalization would also cut prison spending**, rather dramatically. **An estimated one in four people are in prison solely because of non-violent drug offenses**, including possession, sales, and repeat offenses related to marijuana. Notably, marijuana-related arrests make up a significant percentage of law enforcement actions involving drugs. **The vast majority of these individuals are black and Latino**, reflecting racial imbalances in the justice system—**people of color are more likely to be profiled**, more likely to be caught, **and less likely to be able to bring an adequate defense to court**. This combination of factors leads to gross overrepresentation of members of these communities in prisons and jails across the nation.¶ **Cutting down on the number of men imprisoned** for drug-related offenses **also has indirect economic benefits, by keeping men in their own communities**, an issue that was recognized as early as 1988. **Systemic poverty can be directly linked to fractured communities, such as those that have been torn apart by the drug war**. Allowing men to remain with their families, economically participate in their communities, and contribute to society boosts not only their own economic chances and those of their families, but the community as a whole. **Opening the prison doors would be a good start to solving the thorny problem of entrenched poverty** among communities of color in the United States—and it's worth noting that poor communities are themselves an economic drain, requiring more government support and a stronger safety net because they are unable to support themselves.¶ **On a more local economic level, legalization will create a ripple effect through tangentially related industries**. With the legalization of a crop that requires cultivation, farmers, farmworkers, fertilizer firms, and other manufacturers of agricultural products all stand to benefit—and thanks to the widespread adoption of indoor growing in the marijuana industry, **sales of supplies specific to that method of cultivation should also soar**. Additionally, given the large power demands associated with indoor growing, it's possible that the likely boom in marijuana cultivation could also stimulate the alternative energy industry—especially as consumers pushed for organic and ethically produced marijuana.¶ **Furthermore, more open cultivation means a reduction in illegal farming**, fertilizer pollution, and related problems, which **is intrinsically better for the environment**, while also saving environmental agencies money along the way. Without the need to send evaluation and cleanup crews for grow operations, such agencies can allocate their funds more productively.¶ **Likewise, trucking, rail, and other transit firms stand to benefit**, as the drug has to be transported after processing, even if just regionally. Parent firms, drivers, and manufacturers of handling equipment would all be feeling the expansive new marijuana economy, and reinvesting the proceedings into expanding operations. For labor unions, this could indirectly provide an opportunity to reopen negotiations over pay, working hours, and benefits, which would stimulate further localized economic growth.¶ **Packaging, retail, and processing industries also stand to benefit** from legalization, **as do testing labs and certification facilities**. In a nation where the drug is legalized but regulated, samples need to be routinely tested and certified, which requires experienced drug scientists to monitor the quality and integrity of the drug supply. **This holds double for processed marijuana products like tinctures and marijuana food products, which would need to be evaluated by both the FDA** and the FTC—the latter would be interested in truth in advertising and labeling claims. **That translates to job growth in a variety of high-skilled sectors.¶ Tourism, too, could benefit** from legalization; the U.S. need look only to Amsterdam for an example. While the Dutch city is a popular tourist destination for a broad assortment of reasons, one is the nation's liberalized marijuana policy, which allows visitors to sample an array of marijuana products in the cities' coffeehouses and cafes. While the streets of San Francisco and Berkeley already ring skunky with the scent of marijuana at some times of the year, full legalization would lead to more open usage of the drug, along with an uptick in tourist rates to regions well-known for their crop and the quality of their marijuana products, such as the Bay Area.¶ **For those who argue that free-market capitalism is the**

most rational approach to economic balance, marijuana legalization would certainly be an ideal test case. The obvious economic benefits so outweigh the social concerns that one can only conclude the issue is one of morals and nothing else—is the United States ready to drop the pretense of moral panic over marijuana when alcohol, tobacco, and other substances are already legal^{ly available?}

Whistleblower Advantage

1AC/2AC Stuff

WB Oversight Key (1AC?)

And, the signal of the plan must be clear and consistent and sent by congress – oversight is critical to ensure protections are enforced

Grassley 14

(Chuck, Senator, "SEN. GRASSLEY TALKS ABOUT ANNIVERSARY OF WHISTLEBLOWER PROTECTION ACT." Indian eGov Newswire 11 Apr. 2014. Infotrac Newsstand. //um-ef)

Value of Whistleblowers To return to the theme I started on, whistleblowers need protection from retaliation today just as much as they did 25 years ago when we passed the Whistleblower Protection Act. I've always said whistleblowers are too often treated like a skunk at a picnic. However, 25 years after the Whistleblower Protection Act, the data on whistleblowing is in, and the debate on whether to protect whistleblowers is over. There is widespread public recognition that whistleblowers perform a valuable public service. Earlier this year, PricewaterhouseCoopers found that 31% of serious fraud globally was detected by whistleblowing systems or tip-offs. According to a 2012 report from another organization, that number is even higher when looking just in the U.S., with 51% of fraud tips coming from a company's own employees. In 2013, of U.S. workers who had observed misconduct and blown the whistle, 40% said that the existence of whistleblower protections had made them more likely to report misconduct. Whistleblowers are particularly vital in government, where bureaucrats only seem to work overtime when it comes to resisting transparency and accountability. A year and a half after the Whistleblower Protection Act, President Bush issued an Executive Order in 1990 that said that all federal employees "shall disclose waste, fraud, abuse and corruption to appropriate authorities." Federal employees are still under that obligation today. They are fulfilling a civic duty when they blow the whistle. I have encouraged President Reagan and every president after him that we ought to have a Rose Garden ceremony honoring whistleblowers. Unfortunately, that has not happened. Further, while the Obama Administration promised to be the most transparent in history, it has instead cracked down on whistleblowers like never before. Last week the Supreme Court denied a petition to hear an appeal from a case named Kaplan v. Conyers. The Obama Administration's position in that case, if allowed to stand, means untold numbers of federal employees may lose some of the very same appeal rights we tried to strengthen in the Whistleblower Protection Act. It could be half or more of federal employees impacted. Such a situation would undo 130 years of protection for civil servants, dating back to the Pendleton Civil Service Reform Act of 1883. President Obama promised to ensure that whistleblowers have full access to courts and due process. However, his Administration has pursued the exact opposite goal here. That is unacceptable. I think it's important to send a loud and clear signal that waste, fraud, and abuse won't be tolerated in government. That's why I'm pleased to announce that I will be forming a whistleblower protection caucus. I'll be talking to my colleagues at the beginning of the 114th Congress. Until then, I'll be talking to my colleagues and encouraging them to join me as we start putting together an agenda for the caucus in the new Congress. As we celebrate the 25th anniversary of the Whistleblower Protection Act, we should all recognize whistleblowers for the sacrifices they make. Those that fight waste, fraud, and abuse in government should be lauded for their patriotism. Whistleblower protections are only worth anything if they're enforced. Just because we've passed good laws does not mean we can stop paying attention to the issue. There must be vigilant oversight by Congress. The best protection for a whistleblower is a culture of understanding and respecting the right to blow the whistle. I hope this whistleblower caucus will send the message that Congress expects that kind of culture. I call on my colleagues to help me make sure that whistleblowers continue to receive the kind of protection they need and deserve

WB Solvency/1AC

And, debates exposing secretive national security spying programs necessary to break down the security state – the plan is the necessary mechanism to begin the debate and restore democratic accountability

Brian 13

(Danielle, “System And Unchecked Growth of our National Security State,” pg online @ <http://www.pogo.org/about/press-room/releases/2013/nations-focus-should-be-on-broken-whistleblower-system.html?referrer=https://www.google.com/> //um-ef)

What is unfolding with Edward Snowden is not surprising—our current policies actually encourage leaks, given there is no meaningful legal system for whistleblowing in the intelligence community. There are too few legal channels for disclosing secret wrongdoing, and those that exist do not provide authentic protections from retaliation. There are very weak protections for intelligence whistleblowers and none at all for intelligence contractors. National security whistleblowers also have good reason to doubt that the authorities will take action on their disclosures, given the inaction by knowledgeable authorities in the administration, Congress and the Courts. Where Mr. Snowden chooses asylum is a sideshow to critical matters facing our nation. **What we should be focusing on are the important issues he has exposed—a broken system for whistleblowers and how secrecy is undermining our constitutional democracy.** It is high time that we address the need **for more oversight** of the government’s national security claims. **We could start with the public disclosure of secret laws**—the legal justifications, decisions, and enforcement of law that are kept secret. How can we know if the government has struck the right balance between our security and our rights if its legal interpretations are cloaked in secrecy? Mr. Snowden’s disclosures of the National Security Agency’s domestic surveillance are certainly whistleblowing, but releasing classified information is also against the law. As was the case with Daniel Ellsberg and the Pentagon Papers, sometimes it is so important to make the information public that it is necessary to break the law. This is not a new concept. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, provide: “No person may be punished on national security grounds for disclosure of information if...the public interest in knowing the information outweighs the harm from disclosure.” Whenever a whistleblower illegally discloses classified information, the public interest must be weighed against the harm to our national security. But in any case, **it’s clear that the government is handling leaks and whistleblowers atrociously.** A recent McClatchy Newspapers story reports that, in keeping with POGO’s early warnings about the government’s knee-jerk response to WikiLeaks, the sweeping “Insider Threat Program” continues to chill free speech and threaten rights while quite obviously failing to prevent leaks. In January 2011, we and our allies sent a letter to the administration about our concerns that agencies were being asked, among other things, to measure their employees’ “relative happiness” and “despondence and grumpiness as a means to gauge waning trustworthiness.” Government officials tried to assure us that it was not their intention to direct agencies to conduct this and other kinds of surveillance of employees. Yet, the McClatchy article points out that those familiar with the program are now concerned with its absurdly broad application and the ease with which the Insider Threat Program can be used to target whistleblowers. As we’ve been saying for years, the way to stop leaks is to give whistleblowers strong protections and to curb over-classification. Instead, no matter who occupies the White House, we have a national security state on steroids engaging in far too much secrecy, making it harder for us to keep our legitimate secrets, conducting massive surveillance, and punishing rather than protecting whistleblowers. In the end, are we safer? What rights are we willing to give up in the name of national security? Mr. Snowden has re-ignited that critical public discussion and it is one that “we the people” must

be given ample opportunity to debate. Nothing less than the legitimacy of our constitutional democracy is at stake.

1AC Environment Impact

Environmental collapse risk is high and coming – whistleblower protections are necessary – failure means the collapse of the planet and humanity

Warren 15

(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

The changing environment may be one of the most pressing threats in all of human history. Climate change, dwindling fresh drinking water supplies, and exposure to toxic elements pose serious health concerns to human beings, and have the potential to jeopardize the future of humanity. Greater preventative, mitigating, and remedial actions are needed to prevent these threats from spiraling out of control and creating devastating effects, and it will take an effort—both public and private—of massive proportions to achieve such prevention. Given the scope of the problem, every effort should be made to incentivize widespread participation in the enforcement of environmental protection measures. The government should not only devote public resources to this fight, but also actively recruit, promote, and support assistance from private citizens, and provide resources that will incentivize such a program. Public resources alone will be insufficient to combat the environmental challenges that the United States now faces. The federal and state governments and their agencies are simply ill equipped to effectively ascertain, address, and reverse the environmental problems now being confronted. The government lacks sufficient financial resources to adequately address all of the threats to the environment, and even if it had adequate resources, its scope of expertise is inadequate. In fact, the government's resources are so limited that it cannot even enforce the statutory regulations that it currently has in place by addressing every reported violation. It is nearly impossible, for example, for the Environmental Protection Agency (EPA) to monitor every source of pollution or project that poses a threat to the environment. Detecting such violations requires not only financial wherewithal, but also the technical expertise and understanding to clearly identify every breach of a statute or regulation. Further, private resources appear to be necessary to combat the alignment of the economic interests of the federal government, the states, and private industry. Many states attempt to foster a favorable operating arena for industry by engaging in a race to the bottom for lax environmental regulations meant to lure businesses into their economies. In such instances, state and private economic interests run counter to the overall public welfare that the federal government is trying to protect. Further, government agencies responsible for enforcing environmental statutes may also have deep ties to industry as a result of agency-capture, which run counter to the government's own goals. In order to account for these shortcomings, citizens must be given a more meaningful opportunity to assist in the enforcement of statutes that protect public welfare. The Inadequacy of Citizen Suit Provisions for Enforcement The government's current efforts to enlist private resources into the fight to protect the environment have primarily been made through citizen suit provisions. Citizen suit provisions, however, have many weaknesses that largely render them ineffective at recruiting private resources that significantly aid in the protection of the environment. One of the major problems with citizen suits is that they fail to sufficiently improve the public's ability to detect violations. The moving party in most citizen suits is most often a large, well-funded private group, and such parties generally lack specific knowledge of wrongdoing by a given violator. They must work to uncover violations just as any public agency or government prosecutor would. Further, although citizen suits may add more eyes to look for alleged violations, they do not achieve the necessary effect of incentivizing those with actual knowledge of specific violations to come forward. Citizen suits can also be ineffective because they have the potential to promote environmentally counterproductive cooperation between prosecutors, agencies and industry. Hurdles contained in citizen suits, such as the requirement that a citizen suit be dropped if the government diligently prosecutes the matter, may foster lax enforcement. This is because pro-industry governmental actors may simply pursue minimal corrective measures against an industry violator, inhibiting the full compliance generally sought in a successfully waged citizen suit. Perhaps most importantly from the

perspective of potential whistleblowers, citizen suits also fail to adequately incentivize whistleblowers and their counsels to engage in these suits by aligning their interests with the government's. n221 Citizen suits do not provide any financial reward to plaintiffs and merely provide injunctive relief or damages paid to the government. n222 In some [*219] cases, plaintiffs who bring these suits are even barred from even recovering attorney's fees, regardless of whether or not bringing the suit achieves the desired result. n223 B. **Advantages of Whistleblower Programs** **Whistleblower programs provide assistance to the U.S. government and regulatory agencies by aligning public and private interests.** n224 When private instruments of justice are undertaken in the interest of the common good, they can produce beneficial tools, such as legal talent, investigative resources, and inside information. n225 **Wrongdoing can often be difficult to detect, and therefore, an insider with intimate knowledge of a company or a potentially liable party's actions, can be invaluable in prosecuting enforcement actions** without expending prohibitively large amounts of resources. n226

Environmental destruction causes extinction—most qualified

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Anthony D. Barnosky, Elizabeth A. Hadly, Jordi Bascompte, Eric L. Berlow, James H. Brown, Mikael Fortelius, Wayne M. Getz, John Harte, Alan Hastings, Pablo A. Marquet, Neo D. Martinez, Arne Mooers, Peter Roopnarine, Geerat Vermeij, John W. Williams, Rosemary Gillespie, Justin Kitzes, Charles Marshall, Nicholas Matzke, David P. Mindell, Eloy Revilla & Adam B. Smith, *Nature* 486, 52–58 (07 June 2012), “Approaching a state shift in Earth’s biosphere,” <http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html>

Localized **ecological systems are known to shift abruptly and irreversibly from one state to another when they are forced across critical thresholds.** Here we review evidence that **the global ecosystem as a whole can react in the same way and is approaching a planetary-scale critical transition as a result of human influence. The plausibility of a planetary-scale ‘tipping point’ highlights the need to improve biological forecasting** by detecting early warning signs of critical transitions on global as well as local scales, and by detecting feedbacks that promote such transitions. **It is also necessary to address root causes of how humans are forcing biological changes.** Introduction Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments Humans now dominate Earth, changing it in ways that threaten its ability to sustain us and other species^{1, 2, 3}. This realization has led to a growing interest in forecasting biological responses on all scales from local to global^{4, 5, 6, 7}. However, most biological forecasting now depends on projecting trends into the future assuming various environmental pressures⁵, or on using species distribution models to predict how climatic changes may alter presently observed geographic ranges^{8, 9}. Present work recognizes that relying solely on such approaches will be insufficient to characterize fully the range of likely biological changes in the future, especially because complex interactions, feedbacks and their hard-to-predict effects are not taken into account^{6, 8, 9, 10, 11}. Particularly important are recent demonstrations that ‘critical transitions’ caused by threshold effects are likely¹². Critical transitions lead to state shifts, which abruptly override trends and produce unanticipated biotic effects. Although most previous work on threshold-induced state shifts has been theoretical or concerned with critical transitions in localized ecological systems over short time spans^{12, 13, 14}, planetary-scale critical transitions that operate over centuries or millennia have also been postulated^{3, 12, 15, 16, 17, 18}. Here we summarize evidence that such planetary-scale critical transitions have occurred previously in the biosphere, albeit rarely, and that humans are now forcing another such transition, with the potential to transform Earth rapidly and irreversibly into a state unknown in human experience. Two conclusions emerge. First, to minimize biological surprises that would adversely impact humanity, it is essential to improve biological forecasting by anticipating critical transitions that can emerge on a planetary scale and understanding how such global forcings cause local changes. Second, as was also concluded in previous work, to prevent a global-scale state shift, or at least to guide it as best we can, it will be necessary to address the root causes of human-driven global change and to improve our management of biodiversity and ecosystem services^{3, 15, 16, 17, 19}. Basics of state shift theory Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments It is now well documented that biological systems on many scales can shift rapidly from an existing state to a radically different state¹². Biological ‘states’ are neither steady nor in equilibrium; rather, they are characterized by a defined range of deviations from a mean condition over a prescribed period of time. The shift from one state to another can be caused by either a ‘threshold’ or ‘sledgehammer’ effect. State shifts resulting from threshold effects can be difficult to anticipate, because the critical threshold is reached as incremental changes accumulate and the threshold value generally is not known in advance. By contrast, a state shift caused by a sledgehammer effect—for example the clearing of a forest using a bulldozer—comes as no surprise. In both cases, the state shift is relatively abrupt and leads to new mean conditions outside the range of fluctuation evident in the previous state. Threshold-induced state shifts, or critical transitions, can result from ‘fold bifurcations’ and can show hysteresis¹². The net effect is that once a critical transition occurs, it is extremely difficult or even impossible for the system to return to its previous state. Critical transitions can also result from more complex bifurcations, which have a different character from fold bifurcations but which also lead to irreversible changes²⁰. Recent theoretical work suggests that state shifts due to fold bifurcations are probably preceded by general phenomena that can be characterized mathematically: a deceleration in recovery from perturbations (‘critical slowing down’), an increase in variance in the pattern of within-state fluctuations, an increase in autocorrelation between fluctuations, an increase in asymmetry of fluctuations and rapid back-and-forth shifts (‘flickering’) between states^{12, 14, 18}. These phenomena can theoretically be assessed within any temporally and spatially bounded system. Although such assessment is not yet straightforward^{12, 18, 20}, critical transitions and in some cases their warning signs have become evident in diverse biological investigations²¹, for example in assessing the dynamics of disease outbreaks^{22, 23}, populations¹⁴ and lake ecosystems^{12, 13}. Impending state shifts can also sometimes be determined by parameterizing relatively simple models^{20, 21}. In the context of forecasting biological change, the realization that critical transitions and state shifts can occur on the global scale^{3, 12, 15, 16, 17, 18}, as well as on smaller scales, is of great importance. One key question is how to recognize a global-scale state shift. Another is whether global-scale state shifts are the cumulative result of many smaller-scale events that originate in local systems or instead require global-level forcings that emerge on the planetary scale and then percolate downwards to cause changes in local systems. Examining past global-scale state shifts provides useful insights into both of these issues. Hallmarks of global-scale state shifts Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments Earth’s biosphere has undergone state shifts in the past, over various (usually very long) timescales, and therefore can do so in the future (Box 1). One of the fastest planetary state shifts, and the most recent, was the transition from the last glacial into the present interglacial condition^{12, 18}, which occurred over millennia²⁴. Glacial conditions had prevailed for ~100,000 yr. Then, within ~3,300 yr, punctuated by episodes of abrupt, decadal-scale climatic oscillations, full interglacial conditions were attained. Most of the biotic change—which included extinctions, altered diversity patterns and new community compositions—occurred within a period of 1,600 yr beginning ~12,900 yr ago. The ensuing interglacial state we live in now has prevailed for the past ~11,000 yr. Box 1: Past planetary-scale critical transitions and state shifts Full box **Occurring on longer timescales are events such as at least four of the ‘Big Five’ mass extinction**s²⁵, each of which represents a critical transition that spanned several tens of thousands to 2,000,000 yr and changed the course of life’s evolution with respect to what had been normal for the previous tens of millions of years. Planetary state shifts can also substantially increase biodiversity, as occurred for example at the ‘Cambrian explosion’²⁶, but

such transitions require tens of millions of years, timescales that are not meaningful for forecasting biological changes that may occur over the next few human generations (Box 1). Despite their different timescales, past critical transitions occur very quickly relative to their bracketing states: for the examples discussed here, the transitions took less than ~5% of the time the previous state had lasted (Box 1). The biotic hallmark for each state change was, during the critical transition, pronounced change in global, regional and local assemblages of species. Previously dominant species diminished or went extinct, new consumers became important both locally and globally, formerly rare organisms proliferated, food webs were modified, geographic ranges reconfigured and resulted in new biological communities, and evolution was initiated in new directions. For example, at the Cambrian explosion large, mobile predators became part of the food chain for the first time. Following the K/T extinction, mammalian herbivores replaced large archosaur herbivores. And at the last glacial–interglacial transition, megafaunal biomass switched from being dominated by many species to being dominated by *Homo sapiens* and our domesticated species²⁷. **All of the global-scale state shifts noted above coincided with global-scale forcings** that modified the atmosphere, oceans and climate (Box 1). These examples suggest that past **global-scale state shifts required global-scale forcings, which in turn initiated lower-level state changes that local controls do not override. Thus, critical aspects of biological forecasting are to understand whether present global forcings are of a magnitude sufficient to trigger a global-scale critical transition**, and to ascertain the extent of lower-level state changes that these global forcings have already caused or are likely to cause. Present global-scale forcings Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments **Global-scale forcing mechanisms today are human population growth with attendant resource consumption³, habitat transformation³ and fragmentation³, energy production and consumption^{2, 8, 29}, and climate change^{3, 18}. All of these far exceed, in both rate and magnitude, the forcings evident at the most recent global-scale state shift, the last glacial–interglacial transition** (Box 1), which is a particularly relevant benchmark for comparison given that the two global-scale forcings at that time—climate change and human population growth^{27, 30}—are also primary forcings today. During the last glacial–interglacial transition, however, these were probably separate, yet coincidental, forcings. Today conditions are very different because global-scale forcings including (but not limited to) climate change have emerged as a direct result of human activities. **Human population growth and per-capita consumption rate underlie all of the other present drivers of global change.** The growth in the human population now (~77,000,000 people per year) is three orders of magnitude higher than the average yearly growth from ~10,000–400 yr ago (~67,000 people per year), and the human population has nearly quadrupled just in the past century^{31, 32, 33}. The most conservative estimates suggest that the population will grow from its present value, 7,000,000,000, to 9,000,000,000 by 2045³¹ and to 9,500,000,000 by 2050^{31, 33}. As a result of human activities, **direct local-scale forcings have accumulated to the extent that indirect, global-scale forcings of biological change have now emerged.** Direct forcing includes the conversion of ~43% of Earth’s land to agricultural or urban landscapes, with much of the remaining natural landscapes networked with roads^{1, 2, 34, 35}. **This exceeds the physical transformation that occurred at the last global-scale critical transition, when ~30% of Earth’s surface went from being covered by glacial ice to being ice free. The indirect global-scale forcings that have emerged from human activities include drastic modification of how energy flows through the global ecosystem. An inordinate amount of energy now is routed through one species, *Homo sapiens*.** Humans commandeer ~20–40% of global net primary productivity^{1, 2, 35} (NPP) and decrease overall NPP through habitat degradation. Increasing NPP regionally through atmospheric and agricultural deposition of nutrients (for example nitrogen and phosphorus) does not make up the shortfall². Second, through the release of energy formerly stored in fossil fuels, humans have substantially increased the energy ultimately available to power the global ecosystem. That addition does not offset entirely the human appropriation of NPP, because the vast majority of that ‘extra’ energy is used to support humans and their domesticates, the sum of which comprises large-animal biomass that is far beyond that typical of pre-industrial times²⁷. A decrease in this extra energy budget, which is inevitable if alternatives do not compensate for depleted fossil fuels, is likely to impact human health and economies severely²⁸, and also to diminish biodiversity²⁷, the latter because even more NPP would have to be appropriated by humans, leaving less for other species³⁶. **By-products of altering the global energy budget are major modifications to the atmosphere and oceans.** Burning fossil fuels has increased atmospheric CO₂ concentrations by more than a third (~35%) with respect to pre-industrial levels, with consequent climatic disruptions that include a higher rate of global warming than occurred at the last global-scale state shift³⁷. Higher CO₂ concentrations have also caused the ocean rapidly to become more acidic, evident as a decrease in pH by ~0.05 in the past two decades³⁸. In addition, pollutants from agricultural run-off and urban areas have radically changed how nutrients cycle through large swaths of marine areas¹⁶. Already **observable biotic responses include vast ‘dead zones’ in the near-shore marine realm³⁹**, as well as **the replacement of >40% of Earth’s formerly biodiverse land areas** with landscapes that contain only a few species of crop plants, domestic animals and humans^{3, 40}. Worldwide shifts in species ranges, phenology and abundances are concordant with ongoing climate change and habitat transformation⁴¹. Novel communities are becoming widespread as introduced, invasive and agricultural species integrate into many ecosystems⁴². Not all community modification is leading to species reductions; on local and regional scales, plant diversity has been increasing, owing to anthropogenic introductions⁴², counter to the overall trend of global species loss^{5, 43}. However, it is unknown whether increased diversity in such locales will persist or will eventually decrease as a result of species interactions that play out over time. **Recent and projected^{5, 44} extinction rates of vertebrates far exceed empirically derived background rates²⁵.** In addition, many plants, vertebrates and invertebrates have markedly reduced their geographic ranges and abundances to the extent that they are at risk of extinction⁴³. **Removal of keystone species worldwide, especially large predators at upper trophic levels, has exacerbated changes caused by less direct impacts**, leading to increasingly simplified and less stable ecological networks^{39, 45, 46}. Looking towards the year 2100, **models forecast that pressures on biota will continue to increase. The co-opting of resources and energy use by humans will continue to increase** as the global population reaches 9,500,000,000 people (by 2050), and effects will be greatly exacerbated if per capita resource use also increases. Projections for 2100 range from a population low of 6,200,000,000 (requiring a substantial decline in fertility rates) to 10,100,000,000 (requiring continued decline of fertility in countries that still have fertility above replacement level) to 27,000,000,000 (if fertility remains at 2005–2010 levels; this population size is not thought to be supportable; ref. 31). Rapid climate change shows no signs of slowing. Modelling suggests that for ~30% of Earth, the speed at which plant species will have to migrate to keep pace with projected climate change is greater than their dispersal rate when Earth last shifted from a glacial to an interglacial climate⁴⁷, and that dispersal will be thwarted by highly fragmented landscapes. Climates found at present on 10–48% of the planet are projected to disappear within a century, and climates that contemporary organisms have never experienced are likely to cover 12–39% of Earth⁴⁸. The mean global temperature by 2070 (or possibly a few decades earlier) will be higher than it has been since the human species evolved. Expecting the unexpected Introduction Basics of state shift theory Hallmarks of global-scale state shifts Present global-scale forcings Expecting the unexpected Towards improved biological forecasting and monitoring Guiding the biotic future References Acknowledgements Author information Comments **The magnitudes of both local-scale direct forcing and emergent global-scale forcing are much greater than those that characterized the last global-scale state shift, and are not expected to decline any time soon. Therefore, the plausibility of a future planetary state shift seems high**, even though considerable uncertainty remains about whether it is inevitable and, if so, how far in the future it may be. The clear potential for a planetary-scale state shift greatly complicates biotic forecasting efforts, because by their nature state shifts contain surprises. Nevertheless, some general expectations can be gleaned from the natural experiments provided by past global-scale state shifts. On the timescale most relevant to biological forecasting today, **biotic effects observed in the shift** from the last glacial to the present interglacial (Box 1) **included**

many extinctions^{30, 49, 50, 51}; drastic changes in species distributions, abundances and diversity; and the emergence of novel communities^{49, 50, 52, 53, 54}. New patterns of gene flow triggered new evolutionary trajectories^{55, 56, 57, 58}, but the time since then has not been long enough for evolution to compensate for extinctions. At a minimum, these kinds of effects would be expected from a global-scale state shift forced by present drivers, not only in human-dominated regions but also in remote regions not now heavily occupied by humans (Fig. 1); indeed, such changes are already under way (see above^{5, 25, 39, 41, 42, 43, 44}). Given that it takes hundreds of thousands to millions of years for evolution to build diversity back up to pre-crash levels after major extinction episodes²⁵, increased rates of extinction are of particular concern, especially because global

and regional diversity today is generally lower than it was 20,000 yr ago as a result of the last planetary state shift^{37, 50, 51, 54, 59}. This large-scale loss of diversity is not

overridden by historical increases in plant species richness in many locales, owing to human-transported species homogenizing the world's biota⁴².

Possible too are substantial losses of ecosystem services required to sustain the human population⁶⁰. Still

unknown is the extent to which human-caused increases in certain ecosystem services—such as growing food—balances the loss of 'natural' ecosystem services, many of which already are trending in dangerous directions as a result of overuse, pollutants and climate change^{3, 16}. Examples include the collapse of cod and other fisheries^{45, 61, 62}; loss of millions of square kilometres of conifer forests due to climate-induced bark-beetle outbreaks⁶³; loss of carbon sequestration by forest clearing⁶⁰; and regional losses of agricultural productivity from desertification or detrimental land-use practices^{1, 35}. Although the ultimate effects of changing biodiversity and species

compositions are still unknown, if critical thresholds of diminishing returns in ecosystem services were reached over large

areas and at the same time global demands increased (as will happen if the population increases by 2,000,000,000 within about three decades),

widespread social unrest, economic instability and loss of human life could result⁶⁴.

2AC Whistleblowers k Env't

Whistleblowers are necessary to help enforce environmental laws – key to effective implementation and prevention of environmental collapse

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(Christopher K. Warren, Senior Note Editor, Boston College Environmental Affairs Law Review, 2014-2015, Boston College Environmental Affairs Law Review, 40 B.C. Env'tl. Aff. L. Rev. 195, "Blowing The Whistle On Environmental Law: How Congress Can Help The Epa Enlist Private Resources In The Fight To Save The Planet," pg lexis//um-ef)

CONCLUSION **The threats posed by climate change and environmental degradation are real and can only be overcome with high level cooperation amongst those governments, institutions, and individuals with the power to incite change.** In this respect, **the enforcement mechanism for environmental statutory laws must exhaust all possible options** and resources to ensure that the rules and regulations **to protect environmental standards are upheld.** It is highly doubtful that this can be done relying solely on public resources. Instead, **significant contributions from private parties--such as whistleblowers--are likely required to ensure the environmental legal system is working properly, and thus protecting human health and the environment.**

2AC Warming Impact

And, Warming independently causes extinction

Flourney 12- PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University, Citing Feng Hsu, PhD NASA Scientist @ the Goddard Space Flight Center (Don, "Solar Power Satellites," in Springer Briefs in Space Development, p.10-11) JB

In the Online Journal of Space Communication , Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, "The evidence of global warming is alarming," noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth's atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world's scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth's biosphere, humanity will be at dire risk (Hsu 2010) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. "This," he writes, "is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances" (Hsu 2010)

2AC Accountability Impact

And, lack of government accountability causes military aggression and total war

Roberts, 2013

(Paul Craig, Dr. Roberts was Assistant Secretary of the US Treasury for Economic Policy in the Reagan Administration. He was associate editor and columnist with the Wall Street Journal, columnist for Business Week and the Scripps Howard News Service. He is a contributing editor to Gerald Celente's Trends Journal. He has had numerous university appointments. His book, The Failure of Laissez Faire Capitalism and Economic Dissolution of the West is available here. His latest book, How America Was Lost, has just been released and can be ordered, August 13, 2013

"Humanity Is Drowning in Washington's Criminality," OpEd News, <http://www.opednews.com/articles/Humanity-Is-Drowning-In-Wa-by-Paul-Craig-Roberts-130813-17.html>, Accessed: July 12, 2015, YDEL)

If an American citizen lies to a federal investigator, even if not under oath, the citizen can be arrested, prosecuted, and sent to prison. Yet, these same federal personnel can lie to Congress and to citizens with impunity.

Whatever the American political system is, it has nothing whatsoever to do with accountable government. In

America no one is accountable but citizens, who are accountable not only to law but also to unaccountable charges for which no evidence is required. Congress has the power to impeach any presidential appointee as well as the president. In the 1970s Congress was going to impeach President Richard Nixon simply because he lied about when he learned of the Watergate burglary. To avoid impeachment, Nixon resigned. In the 1990s, the House impeached President Bill Clinton for lying about his sexual affair with a White House intern. The Senate failed to convict, no doubt as many had sexual affairs of their own and didn't want to be held accountable themselves. In the 1970s when I was on the Senate staff, corporate lobbyists would send attractive women to seduce Senators so that the interest groups could blackmail the Senators to do their bidding. Don't be surprised if the NSA has adopted this corporate practice. The improprieties of Nixon and Clinton were minor, indeed of little consequence, when compared to the crimes of George W. Bush and Obama, their vice presidents, and the bulk of their presidential appointees. Yet, impeachment is "off the table," as Nancy Pelosi famously declared. Why do Californian voters send a person to Congress who refuses to protect them from an unaccountable executive branch? Who does Nancy Pelosi serve? Certainly not the people of California. Most certainly not the US Constitution. Pelosi is in total violation of her oath of office. Will Californians re-elect her yet again? Little wonder

America is failing. The question demanding to be asked is: What is the purpose of the domestic surveillance of all Americans? This is surveillance out of all proportion to the alleged terrorist threat. The US Constitution is being ignored and domestic law violated. Why? Does the US

government have an undeclared agenda for which the "terrorist threat" is a cover? What is this agenda? Whose agenda is more important than the US Constitution and the accountability of government to law? No citizen is secure unless government is accountable to the Constitution and to law. It is an absurd idea that any American is more threatened by terrorism than by unaccountable government that can execute them, torture them, and throw them in prison for life without due process or any

accountability whatsoever. Under Bush/Obama, the US has returned to the unaccountable power of caesars, czars, and autocrats. In the famous play, "A Man For All Seasons," Sir Thomas More, Chancellor of England, asks: So, you would have me to cut down the law in order to chase after devils? And what will we do, with the law cut down, when the devil turns on us? This is the most important legal question ever asked, and it is seldom asked today, not in our law schools, not by our bar associations, and most certainly not by the Justice (sic) Department or US Attorneys. American conservatives regard civil liberties as mere excuses for liberal judges to coddle criminals and terrorists. Never expect a conservative Republican, or more than two or three of them, to defend your civil liberty. Republicans simply do not believe in civil liberty. Democrats cannot conceive

that Obama -- the first black president in office, a member of an oppressed minority -- would not defend civil liberty. This combination of disinterest and denial is why the US has become a police state. Civil liberty has few friends in government, the political parties, law schools, bar associations, or the federal judiciary. Consequently, no citizen is secure. Recently, a housewife researched online for pressure cookers looking for the best deal. Her husband was searching for a backpack. The result was that a fully armed SWAT team appeared at the door demanding to search the premises and to have questions answered. I am always amazed when someone says: "I haven't done anything wrong. I have nothing to fear." If you have nothing to fear from the government, why did the Founding Fathers put the protections in the Constitution that Bush and Obama have stripped out? Unlike the Founding Fathers who designed our government to protect the citizens, the American sheeple trust the government to their own demise. Glenn Greenwald recently explained how the mass of data that is being accumulated on every American is being mined for any signs of non-terrorist-related criminal behavior. As such warrantless searches are illegal evidence in a criminal trial, the authorities disguise the illegal way in which the evidence is obtained in order to secure

conviction based on illegally obtained evidence. In other words, the use of the surveillance justified by the "war on terror" has already spread into prosecutions of ordinary criminals where it has corrupted legal safeguards and the integrity, if any, of the criminal court system, prosecutors and judges. This is just one of the many ways in which you have much to fear, whether you think you are

doing anything wrong or not. You can be framed for crimes based on inferences drawn from your internet activity and jokes with friends on social media. Jurors made paranoid by the "terrorist threat" will convict you. We should be very suspicious of the motive behind the universal spying on US citizens. The authorities are aware that the terrorist threat does not justify the unconstitutional and illegal spying. There have been hardly any real terrorist events in the US, which is why the FBI has to find clueless people around whom to organize an FBI orchestrated plot in order to keep the "terrorist threat" alive in the public's mind. At last count, there have been 150 "sting operations" in which the FBI recruits people, who are out of touch with reality, to engage in a well-paid FBI designed plot. Once the dupes agree, they are arrested as terrorists and the plot revealed, always with the accompanying statement that the public was never in any danger as the FBI was in control. When 99 percent of all terrorism is organized by the FBI, why do we need NSA spying on every communication of every American and on people in the rest of the world? Terrorism seldom comes from outside. The source almost always is the government in power. The Czarist secret police set off bombs in order to blame and arrest labor agitators. The Nazis burned down the Reichstag in

order to decimate the communists and assume unaccountable power in the name of "public safety." An alleged terrorist threat is a way of using fear to block popular objection to the exercise of arbitrary government power. In order to be "safe from terrorists," the US population, with few objections, has accepted the demise of their civil liberties, such as habeas corpus, which reaches back centuries to Magna Carta as a constraint on government power. How, then, are they safe from their government? Americans today are in the same position as the English prior to the Great

Charter of 1215. Americans are no longer protected by law and the Constitution from government tyranny. The reason the Founding Fathers wrote the Constitution was to make citizens safe from their government. If citizens allow the government to take away the Constitution, they might be safe from foreign terrorists, but they are no longer safe from their government. Who do you think has more power over you, foreign terrorists or "your" government? Washington defines all resistance to its imperialism and tyranny as "terrorism." Thus, Americans who defend the environment, who defend wildlife, who defend civil liberties and human rights, who protest Washington's wars and robbery of the people on behalf of special interests, all become "domestic extremists," the term Homeland Security has substituted for "terrorist." Those who are out of step with Washington and the

powerful private interests that exploit us, other peoples, and the earth for their profits and power fall into the wrong side of Bush's black and white division of the world: "you are for us or against us." In the

United States independent thought is on the verge of being criminalized as are constitutionally guaranteed protests and the freedom of the press.

The constitutional principle of freedom of speech is being redefined as treason, as aiding an undefined enemy, and as seeking to overthrow the government by casting aspersions on its motives and revealing its secret misdeeds.

The power-mad inhabitants of Washington have brought the US so close to Gestapo Germany and Stalinist Russia

that it is no longer funny. Indeed, it is sometimes difficult to see the difference. ¶ The neoconservatives have declared that Americans are the "exceptional" and "indispensable people." Yet, the civil liberties of Americans have declined the more "exceptional" and "indispensable" that Americans become. We are now so exceptional and indispensable that we no longer have any rights. ¶ And neither does the rest of the world. Neoconservatism has created a new dangerous American nationalism.

Neoconservatives have given Washington a monopoly on right and endowed its military aggressions with a morality that

supersedes the Geneva Conventions and human rights. Washington, justified by its "exceptionalism," has the right to attack populations in countries with which Washington is not at war, such as Pakistan and Yemen. Washington is using the cover of its "exceptionalism" to murder people in many countries. Hitler tried to market the exceptionalism of the German people, but he lacked Washington's Madison Avenue skills. ¶ Washington is always morally right, whatever it does, and those who report its crimes are traitors who, stripped of their coddling by civil liberties, are locked away and abused until they confess to their crimes against the state. Anyone who tells the truth, such as Bradley Manning, Julian Assange, and Edward Snowden, are branded enemies of the state and are ruthlessly persecuted. ¶ How does the "indispensable, exceptional nation" have a diplomatic

policy? How can a neoconized State Department be based on anything except coercion? It can't. That is why Washington produces nothing but war and threats of

war. ¶ Wherever a person looks, whatever a person hears, it is Washington's threat -- "we are going to bomb you into the stone age" if you don't do what we want and agree to what we require. We are going to impose "sanctions," Washington's euphemism for embargoes, and starve your women and children to death, permit no medical supplies, ban you from the international payments system unless you relent and consent to being Washington's puppet, and ban you from posting your news broadcasts on the Internet. ¶ This is the face that Washington presents to the world: the hard, mean face of a tyrant. ¶ Washington's power will survive a bit longer, because there are still politicians in Europe, the Middle East, Africa, Asia, Latin America and in Canada, Australia, New Zealand, and the NGOs in Russia, who are paid off by the almighty dollar. In exchange for Washington's money, they endorse Washington's immorality and murderous destruction of law and life. ¶ But the dollar is being destroyed by Quantitative Easing, and the domestic US economy is being destroyed by jobs offshoring. ¶ Rome was powerful until the Germans ceased to believe it. Then the rotten edifice collapsed. Washington faces sooner or later the same fate. An inhumane, illegal, unconstitutional regime based on violence alone, devoid of all morality and

all human compassion, is not acceptable to China, Russia, India, Iran, and Brazil, or to readers of this column. ¶ The evil that is Washington cannot last forever. The criminals might destroy the world in nuclear war, but the

lawlessness and lack of humanity in Washington, which murders more people as I write, is no longer acceptable to the rest of

the world, not even to its European puppet states, despite the leaders being on Washington's payroll.

AT: Status Quo

Status quo protections are ineffective—the Executive stops federal employees from communicating with Congress

Press 09 (Eyal, a Nation contributing editor and the author of Beautiful Souls: The Courage and Conscience of Ordinary People in Extraordinary Times and Absolute Convictions: My Father, a City, and the Conflict That Divided America “Obama & Whistleblowers” March 24, 2009
www.thenation.com/article/obama-whistleblowers/ , *cayla_*)

Several weeks ago, I attended a conference in Washington D.C. whose organizing theme was "Ending the Dark Ages, Turning on the Lights." The conference was a gathering of whistleblowers, many of whom indeed saw the lights go out during the secretive, unaccountable reign of George W. Bush, when employees who tried to expose waste, fraud and abuse were routinely marginalized and silenced. Unfortunately, although Barack Obama campaigned as a champion of whistleblower rights, it's not clear the dark ages have ended quite yet. Earlier this month, Obama issued a memorandum on scientific integrity that requires all federal agencies to provide whistleblower protections to scientists. It was a welcome step, hailed by Tom Devine, legal director of the Government Accountability Project, as a "major breakthrough." The days when researchers are threatened for speaking out about politically unpalatable subjects (such as, in the Bush era, global warming) do appear to be over. Yet a few days later, Obama issued a signing statement indicating that the Executive Branch would take steps to supervise and control federal employees who communicate with Congress "in cases where such communications would be unlawful or would reveal information that is properly privileged or otherwise confidential." It's the sort of vague language (does 'properly privileged' include anything the White House deems sensitive or merely things that are strictly classified?) that the Bush Administration would have appreciated. The mixed signals are disquieting. Obama could clear up the confusion, and silence his doubters, with one simple step: voicing support for legislation sponsored by Maryland Congressman Chris Van Hollen that would strengthen protections for all federal employees who are penalized for exposing fraud, waste and abuse, not least by providing them with access to jury trials. As was widely reported, such protections were stripped out of the federal stimulus bill, a fact that should have alarmed the President who will surely foot the blame for any problems that ensue, as he surely knows will happen. "Those of us who manage the public's dollars will be held to account - to spend wisely, reform bad habits, and do our business in the light of day - because only then can we restore the vital trust between a people and their government," Obama proclaimed in his inaugural address. He still has time to make good on his rhetoric.

AT: Status Quo Solves

FDA oversight insufficient- plan is key to revitalize the agency

HOUSE SUBCOMMITTEE 07 (Tuesday, February 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhr35502/pdf/CHRG-110hhr35502.pdf>; 07/10/15) JG

The subcommittee met, pursuant to call, at 9:15 a.m., in room 2123 of the Rayburn House Office Building, Hon. Bart Stupak (chairman of the subcommittee) presiding. Members present: Representatives DeGette, Waxman, Green, Doyle, Schakowsky, Dingell [ex officio], Whitfield, Walden, Ferguson, Murphy, Burgess, and Barton [ex officio]. OPENING STATEMENT OF HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN. Mr. STUPAK. I call this hearing to order. Today we will have a hearing on the adequacy of the FDA to assure the safety of the Nation's drug supply. We will begin with opening statements. This is the first in a series of hearings this committee will be holding to evaluate the Food and Drug Administration's ability to safely approve new drugs and provide post-marketing surveillance of our Nation's drug supply. This year Congress must reauthorize the Prescription Drug User Fee Act or PDUFA, as we call it, and the Pediatric Exclusivity law. PDUFA requires the FDA to quickly bring new drugs to the market. In its rush to approve new drugs, the FDA's ability to ensure a safe drug supply has been greatly compromised. Prior to PDUFA, seldom was the FDA forced to withdraw drugs from the market; within the first 3 years of PDUFA, seven drugs, resulting in more than a thousand deaths, had been removed. Those seven deadly drugs, rushed for approval under PDUFA, were not needed to save lives. In the 108th Congress, serious questions were raised about the antidepressant SSRI's use in adolescents. SSRI's have not been proven effective in treating adolescent depression. To the contrary, their use may actually increase the suicide rate of young patients. In response to these reports of increased suicide rates with SSRI use, FDA officials suppressed their own post-marketing surveillance, prohibited FDA employees from discussing the report and launched an investigation to find the person who leaked the information to the press. Today, SSRI's remain on the market without a clear medical benefit to the patient. VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00005 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 In the 108th and 109th Congress, the COX2 pain relievers, Vioxx and Bextra, were the subject of hearings on the regulatory failure by the FDA. These pain relievers were supposed to be easier on the stomach and not cause ulcers for the chronic users. Post-marketing surveillance revealed serious cardiac side effects. Instead of focusing on these serious side effects, the FDA became entwined in a 14-month battle on how the cardiovascular risks should be labeled. FDA officials sided with the drug manufacturer and downplayed the warnings and the serious side effects of Vioxx. As a result, the FDA may have allowed thousands of patients to die prematurely because of its failure to believe its own scientist and his post-market surveillance findings. Today we will hear from a panel of whistleblowers who will describe how Ketek was approved by the FDA, even though the FDA knew the large safety study it required was fraught with data irregularities. Ketek is prescribed for non-life threatening illnesses, but the rush to approve has resulted in serious and deadly consequences. There have been approximately 10 deaths related to Ketek's use. With each of these drugs, it appears the FDA is not seriously questioning whether the risks outweigh the benefits of the new drug. One must ask if the FDA is not protecting its client, the American people, whose interest is being protected? The problems with the FDA's drug approval and post-marketing surveillance cannot be totally blamed on PDUFA. While PDUFA may encourage a closer working relationship between regulators and drug companies, it is the FDA's leadership which has allowed the interaction to become incestuous. The FDA has blocked, misled and ignored congressional inquiries into its new drug and postmarketing surveillance programs. Our first witness, Senator Charles Grassley, has been a champion in questioning, challenging and over-seeing the FDA's drug approval and post-marketing surveillance. As chairman of the Senate Finance Committee, Senator Grassley has fought, on behalf of the American people, to ensure our Nation's drug supply is safe. Instead of working with Senator Grassley, the FDA has obstructed, resisted and denied his congressional efforts to oversee and hold the FDA to its core mission of protecting Americans. The FDA has been so arrogant and emboldened that it ignores the Senate Finance Committee's subpoenas. If the FDA willfully ignores a U.S. Senate subpoena

issued by the committee of jurisdiction, whose interest and mission is the FDA protecting? Our second panel is made up of whistleblowers who will testify how their efforts to disclose serious medical risks with Ketek were ignored, covered up or dismissed by FDA officials. In order for these brave individuals to appear before this committee, each individual was subpoenaed. Our final panel, Dr. Steven Nissen and Dr. David Graham, who was also subpoenaed, will state that FDA officials ignored their well-documented evidence, especially on Vioxx, and compromised patient safety in the new drug approval and post-marketing surveillance programs. The FDA has lost sight of its mission. When the U.S. Congress or FDA scientists or experts in the medical field try to inject safety into the FDA drug approval process and post-marketing surveillance, these individuals are ignored, ridiculed or silenced. As I stated earlier, this is the first of several hearings this committee will be conducting on the FDA drug approval process. Congress must confront the FDA and return it to its core mission of protecting the American consumer, not the pharmaceutical industry. Members of this committee should keep in mind these questions: Has the culture at the FDA lost sight of its core mission? Has PDUFA made the FDA more beholden to the pharmaceutical industry? Are the drug approval time limits found in PDUFA contributing to drugs being rushed to market without understanding the extent of the medical risks and benefits? Does the FDA adequately provide post-marketing surveillance? While Ketek and its FDA approval is the focus of this hearing, the American people and this Congress, must remain vigilant in shaping public policy and re-writing PDUFA to restore the FDA's core mission of ensuring America's drug supply is safe for all Americans. With that, I next turn to the ranking member of this subcommittee, the gentleman from Kentucky, Mr. Whitfield, for an opening statement, please.

OPENING STATEMENT OF HON. ED WHITFIELD, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF KENTUCKY. Mr. WHITFIELD. Thank you, Chairman Stupak, for convening this important hearing on drug safety and the FDA's role in assuring the safety of the drug supply. As Chairman Stupak said, this will be the first in a series of hearings on this important issue. The safety of our Nation's drug supply and how it affects the health and well-being of our fellow citizens. Questions have been raised for many years about the FDA's management of safety issues with respect to the approval and post-market surveillance of drugs, including questions raised by this subcommittee with respect to the use of anti-depressant drugs among children and studies showing that their use was linked to increased risk of suicide. While FDA's management of drug safety has received increased scrutiny, this is certainly, as I have said, not a new issue. In fact, in a 2006 report requested by then-chairman, Joe Barton, and Senator Chuck Grassley, the Government Accountability Office stated that problems have been raised about the FDA's management of drug approval and post-market surveillance for the last 30 years. These are certainly complex issues and often involve complicated scientific debate and judgment. Issues raised by the FDA's approval of the drug Ketek, which we will learn more about from today's witnesses, certainly demonstrate this. The debate within FDA about the Ketek drug application was not simply a matter of approving or disapproving the drug. Instead, the Ketek application raised larger public health questions that were debated by doctors and scientists within the FDA with respect to the approval of antibiotics and about what types of studies should be performed to demonstrate a drug safety inefficacy. At what point should data collected during drug trials be included or disqualified from the study? How should data regarding resistance to antibiotics be interpreted? And how should this affect the availability of antibiotics? These are questions about which scientists, physicians and experts continue to debate. While it is critical that we examine drug safety and whether FDA's decision making processes are suited to ensure the safety of our drug supply, it is also critical that we do so in a careful and deliberate way. Today we will hear from two witnesses, Dr. David Ross and Dr. John Powers, who were employed by the FDA when Ketek's application was pending and who were involved, actually, in reviewing the application. We will also hear from a third witness, Ann Marie Cisneros, who was employed by a contractor for a Ketek sponsor, Sanofi-Aventis. It is my understanding that these witnesses disagree with the actions of the FDA, Sanofi-Aventis or both with respect to how that application was handled. Today's witnesses have expertise and first-hand knowledge of the events that took place, but it is also important to note whom we are not hearing from today. Ketek's sponsor, Sanofi-Aventis, is not present today to offer its side of the story, nor are other FDA officials who took part in approving Ketek, but who do not share the views of today's witnesses about the approval decision or agency processes here to defend their decisions. But they will be asked to testify at a later hearing. So we are at the beginning of our inquiry. We just sent a document request to FDA and after obtaining additional records by a hearing from all sides, we will be able to determine whether mistakes were made during the FDA's examination of Ketek and if so, what those mistakes were and whether those mistakes were simply an aberration or a sign of a systemic problem in the way FDA manages drug safety. The GAO report, the Institute of Medicine report, FDA's response to these reports and recent actions, today's testimony, evidence collected by the subcommittee during previous investigations and Senator Chuck Grassley and his committee's investigation of Ketek all confirm that there is certainly room for improvement in FDA's management of drug safety. So the subcommittee will be keeping an open mind looking at the evidence, and I look forward to the hearing and certainly I would be remiss if I did not thank Senator Grassley for joining us this morning. He and his staff on the Senate Committee on Finance have spent considerable time investigating the FDA's oversight of drug safety and we look forward to his testimony. Mr. STUPAK. I thank the gentleman. He is right; we will have the FDA and the manufacturer of this drug at a later hearing. Exactly when that will be will probably depend upon the cooperation we get from the FDA to open their files, so that could be some time, but we expect them to testify. I next recognize the gentleman from Pittsburgh, Mr. Doyle, for an opening statement. Mr. DOYLE. Thank you, Mr. Chairman. I want to thank you for convening this important hearing and I am going to waive my opening statement. Mr. STUPAK. OK. The gentlewoman from Colorado.

Current protections to whistleblowers don't stop the chilling effect in the FDA

Issa and Cummings 14 (Honorable Darrel E. Issa, Chairman of committee of California, Republican Representative for California's 49th district, serving since 2001; Elijah E. Cummings, Maryland, Ranking Minority Member of the Committee on Oversight and Government Reform; Congressional Hearing before the Committee on Oversight and Government Reform House of Representatives; Second Session of the 113th Congress; "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers"; Serial No. 113-88; February 26, 2014; <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg87176/pdf/CHRG-113hhrg87176.pdf>)/HB

Mr. CUMMINGS. As I close, let me just say this. You talk about "The Speed of Trust." And I don't want anybody watching this or hearing this to be left with the impression that folks on this side of the aisle, including our staffs, in some kind of way are not protective of whistleblowers. I don't want that getting out into the universe because it's simply not true. I would never say that.

Chairman ISSA. And, Mr. Cummings, I am not asserting that you are not trustworthy. What I am asserting----

Mr. CUMMINGS. And my staff.

Chairman ISSA. ----is that the whistleblowers were unwilling to.

And I have been corrected on one thing. In 2009, under Chairman Towns, Dr. Smith provided thousands of pages to this committee in support of his whistleblower allegation. So that is really the beginning of Dr. Smith's activity, as far as this committee goes.

And he was a qualified whistleblower, having come to Chairman Towns and this committee with his concerns---and I think other committees---with his concerns about the FDA's activity.

And, again, even though I also serve on Energy and Commerce, I am not claiming that I can understand the details of his allegations.

And I would like, to the greatest extent possible, to caution all Members to primarily look at the question of whether the activities at the FDA, pursuant to their trying to find a leak, crossed a line and interrupted and would have a chilling effect on whistleblowers, which I think is what our committee's primary jurisdiction is.

IT Kills WB

The Insider Threat Program kills the rights and protections that whistleblowers currently have.

Higham 2014 – Scott Higham, reporter – Washington D.C. (July 23, 2014, “Intelligence security initiatives have chilling effect on federal whistleblowers, critics say” – Washington Post)//CEB

The episode infuriated Grassley (Iowa), a leading advocate for whistleblowers in Congress and the ranking Republican on the Senate Judiciary Committee. Any effort to register whistleblowers, he said, would “clearly put a target on their backs.” The Insider Threat Program and a continuous monitoring initiative under consideration in the intelligence community were begun by the Obama administration after the leaks of classified information by former NSA contractor Edward Snowden and Army Pvt. Chelsea Manning, and the Navy Yard shootings by Aaron Alexis, who used his security clearance to gain access to the base. The programs are designed to prevent leaks of classified information by monitoring government computers and employees’ behavior. Grassley said the episode with the FBI illustrates how federal agencies are setting up internal security programs without giving careful consideration to whether they could dissuade whistleblowers from coming forward. “The Insider Threat Program has the potential for taking the legs out from underneath all of the whistleblower protections we have,” Grassley said in a recent interview. Greg Klein, the head of the FBI’s Insider Threat Program, and McDonough, the congressional affairs agent, did not return calls seeking comment. An FBI spokesman said the bureau does not plan to register whistleblowers. He said there was a misunderstanding about the nature of the briefing with staff members for Grassley, Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) and a law enforcement official who is assigned to the Senate panel. The spokesman noted that the FBI has a whistleblower training program for employees and a whistleblower protection office. “We recognize the importance of protecting the rights of whistleblowers,” FBI spokesman Paul Bresson said. Grassley is part of a growing chorus of lawmakers on Capitol Hill and attorneys for whistleblowers who warn that the Insider Threat Program and the potential intelligence community initiative threaten to undermine federal workers’ ability to report wrongdoing without retaliation. Together, the programs cover millions of federal workers and contractors at every government agency.

the Insider Threat Program prevents effective oversight

Higham, 2014, [Pulitzer prize winning member of the Washington post’s investigation unit]

(Scott, July 23, "Intelligence security initiatives have chilling effect on federal whistleblowers, critics say" https://www.washingtonpost.com/world/national-security/intelligence-security-initiatives-have-chilling-effect-on-federal-whistleblowers-critics-say/2014/07/23/c9dfd794-0ea0-11e4-8341-b8072b1e7348_story.html)

In early April, Sen. Charles E. Grassley summoned FBI officials to his Capitol Hill office. He said he wanted them to explain how a program designed to uncover internal security threats would at the same time protect whistleblowers who wanted to report wrongdoing within the bureau. The meeting with two FBI officials, including the chief of the bureau’s Insider Threat Program, ended almost as soon as it began. The officials said the FBI would protect whistleblowers by “registering” them. When Grassley’s staff members asked them to elaborate, the FBI officials declined to answer any more questions and headed for the door. “We’re leaving,” said J. Christopher McDonough, an FBI agent assigned to the bureau’s congressional affairs office, said Senate staff members who attended the meeting. The episode infuriated Grassley (Iowa), a leading advocate for whistleblowers in Congress and the ranking Republican on the Senate Judiciary Committee. Any effort to register whistleblowers, he said, would “clearly put a target on their backs.” The Insider Threat Program and a continuous

monitoring initiative under consideration in the intelligence community were begun by the Obama administration after the leaks of classified information by former NSA contractor Edward Snowden and Army Pvt. Chelsea Manning, and the Navy Yard shootings by Aaron Alexis, who used his security clearance to gain access to the base. The programs are designed to prevent leaks of classified information by monitoring government computers and employees' behavior. Grassley said the episode with the FBI illustrates how federal agencies are setting up internal security programs without giving careful consideration to whether they could dissuade whistleblowers from coming forward. "The Insider Threat Program has the potential for taking the legs out from underneath all of the whistleblower protections we have." Grassley said in a recent interview. Greg Klein, the head of the FBI's Insider Threat Program, and McDonough, the congressional affairs agent, did not return calls seeking comment. An FBI spokesman said the bureau does not plan to register whistleblowers. He said there was a misunderstanding about the nature of the briefing with staff members for Grassley, Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) and a law enforcement official who is assigned to the Senate panel. The spokesman noted that the FBI has a whistleblower training program for employees and a whistleblower protection office. "We recognize the importance of protecting the rights of whistleblowers," FBI spokesman Paul Bresson said. Grassley is part of a growing chorus of lawmakers on Capitol Hill and attorneys for whistleblowers who warn that the Insider Threat Program and the potential intelligence community initiative threaten to undermine federal workers' ability to report wrongdoing without retaliation. Together, the programs cover millions of federal workers and contractors at every government agency. In February, Director of National Intelligence James R. Clapper Jr. testified before the Senate Armed Services Committee that a system was being considered to continuously monitor the behavior of employees with security clearances "on the job as well as off the job." A senior intelligence official said a continuous monitoring program, mandated under the Intelligence Authorization Act and signed into law by President Obama on July 7, is being set up and initially will include federal employees who hold top-secret security clearances. The official said there are no plans to monitor employees after hours while they are using non-government computer systems. "I think it's time to put up the caution light here," said Sen. Ron Wyden (D-Ore.), a member of the Senate Intelligence Committee. While Wyden included a provision in the most recent Intelligence Authorization Act that would prohibit retaliation against whistleblowers, he said he remains concerned about the impact of the threat programs. "This really has the potential for abuse, and I think it could have a chilling effect on the public's right to know and effective oversight of our government." Wyden said. Dan Meyer, the head of the Intelligence Community Whistleblowing & Source Protection program, created last year as part of the Office of Intelligence Community Inspector General, said he is working to ensure that employees who want to report wrongdoing can do so anonymously and without reprisal. "The critical thing is to maintain confidentiality," Meyer said. He said he is preparing training materials for intelligence officers and spreading the word that employees can come to him anonymously through third parties. If an employee has verifiable information about wrongdoing, a presidential directive takes effect, providing employees with protection against retaliation. "We are in the process of making a systematic, cultural change and getting everyone on board," Meyer said. After Manning's disclosures to WikiLeaks four years ago, Obama signed Executive Order 13587, directing government agencies to assess how they handle classified information. On Nov. 28, 2010, the Office of the National Counterintelligence Executive issued a memo to senior government agency officials, advising them to identify insider threats. The memo suggested using psychiatrists and sociologists to assess changes in employees' behavior. "What metrics do you use to measure 'trustworthiness' without alienating employees?" the counterintelligence office asked the agency chiefs. "Do you use a psychiatrist or sociologist to measure: relative happiness as a means to gauge trustworthiness? Despondence and grumpiness as a means to gauge waning trustworthiness?" "It will only increase hostility between the government and really serious federal employees who are trying to improve the system," said Lynne Bernabei, a partner at Bernabei & Wachtel in Washington who has been representing whistleblowers for nearly 30 years. "Turning the security apparatus against its own people is not going to work." Whistleblower lawyers said they understand the need to protect classified information but think some of the new programs go too far. "There are legitimate reasons for employers to be on the lookout for people who might be leaking classified information, but this will obviously have a chilling effect on employees who might want to blow the whistle," said Jason Zuckerman, who served as the senior legal adviser to the U.S. Office of Special Counsel, the federal agency charged with protecting whistleblowers, and now represents whistleblowers nationwide. Michael German, a former undercover FBI agent and whistleblower, called the Insider Threat Program a "dangerous" initiative. "These agencies have long treated whistleblowers as security threats and this makes things even worse," said German, now a senior national security fellow at the Brennan Center for Justice at New York University School of Law. Mark S. Zaid, a lawyer who specializes in representing whistleblowers in the intelligence community and the military, said the administration is moving too quickly. "They are using a very big net to catch a few small fish, and they are going to hurt a lot of good people in the process," he said.

Whistleblower Internals

Internals: Spills-Over (1AC?)

FDA surveillance on FDA whistle blowers will have a long-term chilling effect that spills over

Gap 12- whistleblower protection and advocacy organization

(Government Accountability Project, FDA Surveillance of Whistleblowers 'Unacceptable', <http://whistleblower.org/press/fda-surveillance-whistleblowers-%E2%80%98unacceptable%E2%80%99>)
JB

'Chilling Effect' Far-Reaching if Congress Fails to Act (Washington, D.C.) – Today, the Government Accountability Project (GAP) is publicly denouncing the Food and Drug Administration's (FDA) implementation of an invasive and potentially illegal surveillance system instituted against employees trying to blow the whistle on critical safety issues surrounding medical devices. The New York Times revealed the in-depth surveillance program in an explosive piece this past weekend. That article detailed how the agency monitored and "secretly captured thousands" of email communications between the whistleblowers and members of the media, Congress, attorneys, other regulatory officials, and the White House. Many of these communications are protected by various whistleblower laws. Subsequent reports show that agency lawyers approved these measures. Amanda Hitt, GAP Public Health Director, and Director of GAP's Food Integrity Campaign (which aims to protect whistleblowers at the FDA), stated: "While the outcry by Congress and regulators thus far against the FDA is encouraging, the damage may have already been done. It's hard to imagine how this fiasco won't have a chilling effect on future FDA whistleblowers, and employees from all sorts of government agencies.

1AC/2AC??

The insider threat program will be abused and create a chilling effect

Higham 14- writer

(Scott, Intelligence security initiatives have chilling effect on federal whistleblowers, critics say, https://www.washingtonpost.com/world/national-security/intelligence-security-initiatives-have-chilling-effect-on-federal-whistleblowers-critics-say/2014/07/23/c9dfd794-0ea0-11e4-8341-b8072b1e7348_story.html) JB

“The Insider Threat Program has the potential for taking the legs out from underneath all of the whistleblower protections we have.”

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wrongdoing without retaliation. Together, the programs cover millions of federal workers and contractors at every government agency. In February, Director of National Intelligence James R. Clapper Jr. testified before the Senate Armed Services Committee that a system was being considered to continuously monitor the behavior of employees with security clearances “on the job as well as off the job.” A senior intelligence official said a continuous monitoring program, mandated under the Intelligence Authorization Act and signed into law by President Obama on July 7, is being set up and initially will include federal employees who hold top-secret security clearances. The official said there are no plans to monitor employees

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and now represents whistleblowers nationwide. **Michael German, a former undercover FBI agent and whistleblower, called the Insider Threat Program a “dangerous” initiative.**

Insider Threat Chills WB

The Interior Threats Program chills whistleblowers- makes them look like traitors

Robertson 13- Washington Post's White House bureau chief, covering domestic and foreign policy

(Adi, White House 'Insider Threat' program reportedly equates whistleblowing with spying, The Verge, <http://www.theverge.com/2013/6/23/4456856/insider-threat-program-reportedly-equates-whistleblowing-with-spying>) JB

The Obama administration has taken a hard line on secrecy and internal security, aggressively prosecuting leakers and using surveillance programs to uncover journalists' anonymous sources. And according to the McClatchy news agency, a program aimed at preventing leaks could be discouraging whistleblowing by equating it with treason. McClatchy has apparently reviewed documents for the administration-wide Insider Threat Program, which was created in 2011 after Bradley Manning released classified cables to WikiLeaks. The program is meant to make it easier for agencies to prevent employees from leaking information, asking them to evaluate workers' trustworthiness and set severe penalties for intentionally breaking security protocol or failing to report a breach. But it also supposedly leaves the actual definition of a threat broad, meaning that almost anything could fall under the program's jurisdiction. While the administration has attempted to make it easier for would-be whistleblowers to report problems through internal channels, McClatchy says a Defense Department document describes any kind of security breach as a kind of espionage. "Hammer this fact home," it apparently says, "leaking is tantamount to aiding the enemies of the United States." "ARE THEY CHEERY? ARE THEY LOOKING AT SALON.COM OR THE ONION DURING THEIR LUNCH BREAK?" The program also directs agencies to monitor their employees, which is standard practice in any high-security area. Frequently, that means watching for high-risk indicators like financial or marital problems, which can provide leverage for blackmailers or foreign intelligence agencies. But some non-intelligence agencies apparently encourage employees to watch each other for potential risk factors, which could fuel mistrust — especially since these factors can be something as innocuous as working at unusual hours. At worst, it can mean telling employees to be suspicious of anyone who doesn't seem happy enough. "It's about people's profiles, their approach to work, how they interact with management. Are they cheery? Are they looking at Salon.com or The Onion during their lunch break? This is about The Stepford Wives," complained an anonymous Pentagon official. The Obama administration has been public about the need for tracking insider threats, and we've known for years that there's a fine line between looking for spies and cracking down on "disgruntled" but trustworthy employees. President Obama and other officials have also been open about the fact that they consider even principled leaking treasonous. These revelations about the Insider Threat Program underscore this, while making it clear that we'll likely see even bigger crackdowns in the wake of Edward Snowden's attempt to evade prosecution for espionage.

The Insider Threat Program chills free speech and doesn't prevent leaks

Brian 13- executive director at POGO

(Danielle, Nation's Focus Should be on Broken Whistleblower System And Unchecked Growth of our National Security State, <http://www.pogo.org/about/press-room/releases/2013/nations-focus-should-be-on-broken-whistleblower-system.html?referrer=https://www.google.com/>) JB

But in any case, it's clear that the government is handling leaks and whistleblowers atrociously. A recent McClatchy Newspapers story reports that, in keeping with POGO's early warnings about the government's knee-jerk response to WikiLeaks, **the sweeping "Insider Threat Program" continues to chill free speech and threaten rights while quite obviously failing to prevent leaks.** In January 2011, we and our allies sent a letter to the administration about our concerns that agencies were being asked, among other things, to measure their employees' "relative happiness" and "despondence and grumpiness as a means to gauge waning trustworthiness." Government officials tried to assure us that it was not their intention to direct agencies to conduct this and other kinds of surveillance of employees. Yet, the McClatchy article points out that those familiar with the program are now concerned with its absurdly broad application and the ease with which the Insider Threat Program can be used to target whistleblowers.

The Insider Threat Program is being abused now creating a chilling effect

Hennigsen 13- writer, investigative journalist, and founder of the 21stCentury Wire.com

(Patrick, Obama's "Insider Threat Program" Views Whistleblowers as "Enemies of America", <http://www.globalresearch.ca/obamas-insider-threat-program-views-whistleblowers-as-enemies-of-america/5340351>) JB

The 'Insider Threat Program', is an anti-whistleblower protocol created by the Obama administration, a program that seeks to crackdown on those looking to expose unjust practices by government agencies. The program mandates that employee's spy on each other or risk being charged for not detecting a leaker... The Insider Threat Program was created in 2011, shortly after Army Pfc. Bradley Manning shared sensitive information to WikiLeaks, information that asserted the U.S. committed crimes while at war. The program as it is stated, can charge anyone with "espionage" that leaks to media operations. This will no doubt produce a chilling effect on whistleblowers everywhere. Is the White House waging a war on reality, effectively keeping the truth on ice? More "see something, say something" authoritarian rhetoric, quietly shutting down constitutional guarantees. These security revelations come on heels of the NSA document drop by intelligence operative Edward Snowden. It remains to be seen how these leaks will affect national security: Even before a former U.S. intelligence contractor exposed the secret collection of Americans' phone records, the Obama administration was pressing a government-wide crackdown on security threats that requires federal employees to keep closer tabs on their co-workers and exhorts managers to punish those who fail to report their suspicions. President Barack Obama's unprecedented initiative, known as the Insider Threat Program, is sweeping in its reach. It has received scant public attention even though it extends beyond the U.S. national security bureaucracies to most federal departments and agencies nationwide, including the Peace Corps, the Social Security Administration and the Education and Agriculture departments. It emphasizes leaks of classified material, but catchall definitions of "insider threat" give agencies latitude to pursue and penalize a range of other conduct.

Recent FDA surveillance on whistleblowers proves that surveillance has a chilling effect that will spill over to all potential whistleblowers

Lee 12- journalist

(Jodie, OSC warns agencies of email monitoring restrictions, <http://federalnewsradio.com/technology/2012/06/osc-warns-agencies-of-email-monitoring-restrictions/>) JB

The Office of Special Counsel is reminding agencies not to engage in **email monitoring** that **could have a chilling effect on whistleblowers who report waste, fraud and abuse**. In a memo last week, Special Counsel Carolyn Lerner urged agencies to evaluate their employee email monitoring policies. “Although lawful agency monitoring of employees communications serves legitimate purposes, federal law also protects the ability of workers to exercise their legal rights to disclose wrongdoing without fear of retaliation, which is essential to good government,” according to the memo. Specifically, the memo warned against agency monitoring that targets protected disclosures to OSC and inspectors general. Such monitoring is “highly problematic” and could be seen as retaliation against a whistleblower, Lerner wrote. Steven VanRoekel, federal chief information officer, and Boris Bershteyn, general counsel, forwarded the OSC memo to agencies. Their letter about the memo urged agencies to ensure monitoring policies “do not interfere with or chill employees’ use of appropriate channels to disclose wrongdoing.” Earlier this year, six former employees of the Food and Drug Administration sued their former agency for monitoring their personal emails. The employees said the monitoring started after they had raised concerns about medical devices the FDA had approved. In March, Sen. Charles Grassley (R-Iowa) and Rep. Darrell Issa (R-Calif.) asked the Office of Management and Budget for details on agencies’ email monitoring. “Our investigation of FDA’s surveillance of whistleblowers has given rise to a broader question about the policies and practices for electronic surveillance at other federal agencies,” the lawmakers had written.

Targeted Surveillance through ITP will have a chilling effect on potential whistleblowers

Johnson 12- journalist

(Nicole, FDA whistle-blowers' lawsuit raises questions about email surveillance, <http://archive.federaltimes.com/article/20120131/IT03/201310302/FDA-whistle-blowers-lawsuit-raises-questions-about-email-surveillance>) JB

Whistle-blower advocates are lauding a new federal lawsuit that seeks to ban all federal agencies from targeting whistleblowers with selected electronic surveillance and monitoring. The lawsuit was filed last week by six current and former Food and Drug Administration doctors and scientists who say their personal email accounts were monitored by agency managers for two years because they were whistleblowers. The six filed a lawsuit Jan. 25 in U.S. District Court of Washington, claim that top FDA managers monitored and seized emails from their personal Gmail and Yahoo accounts for at least two years. Documents they obtained through the Freedom of Information Act and other means show that FDA began monitoring electronic conversations in 2009, after the employees expressed concerns to the incoming Obama administration and Congress that FDA had approved unsafe medical devices, Stephen Kohn, executive director of the National Whistleblowers Center and attorney for the six employees, said in an interview with Federal Times. Until now, Kohn said he hadn't heard of agencies carrying out this type of surveillance. FDA's electronic equipment policy allows employees to use government devices and systems for personal use but warns that information created, stored or transmitted on a government device is public information, unless exempted by law. The policy also instructs office managers to monitor and review "all activities" using government electronic equipment and disclose the content of inappropriate documents. "If they are doing just basic monitoring to make sure people aren't violating the law," that's one thing, Kohn said. "The biggest problem with what has occurred here is that they targeted whistleblowers." Targeted monitoring, he said, could have a chilling effect on potential whistleblowers who fear their complaints will not be kept confidential.

Obama Chilling WB

Obama is against surveillance whistleblowers

Blake, July 2, 2013

(Aaron, covers national politics and writes regularly for The Fix. A Minnesota native and summa cum laude graduate of the University of Minnesota, Aaron has also written about politics for the Minneapolis Star-Tribune and The Hill newspaper, July 2, 2013, "Greenwald: Obama engaged in 'unprecedented war on whistleblowers'," Washington Post, <http://www.washingtonpost.com/blogs/post-politics/wp/2013/07/02/greenwald-obama-engaged-in-unprecedented-war-on-whistleblowers/>, Accessed: July 7, 2015, YDEL)

Glenn Greenwald said in an interview Tuesday that the Obama administration is engaged in an "unprecedented war on whistleblowers." Greenwald, the Guardian reporter who has worked with leaker Edward Snowden to reveal previously secret federal surveillance programs, said on Fox News Channel that the Obama Administration wants to attack Snowden to send a message to future potential whistleblowers. "I think what the Obama administration wants and has been trying to establish for the last five years now with the unprecedented war on whistleblowers that it is waging is to make it so that everybody is petrified of coming forward with information about what our political officials are doing in the dark that is deceitful, illegal or corrupt," Greenwald said. Greenwald added: "They don't care about Edward Snowden at this point. He can no longer do anything that he hasn't already done. What they care about is making an extremely negative example out of him to intimidate future whistleblowers from coming forward, because they'll think that they're going to end up like him. That's their objective."

Uniq: War on WB Now

Obama waging war on whistleblowers now

Blake, July 2, 2013

(Aaron, covers national politics and writes regularly for The Fix. A Minnesota native and summa cum laude graduate of the University of Minnesota, Aaron has also written about politics for the Minneapolis Star-Tribune and The Hill newspaper, July 2, 2013, "Greenwald: Obama engaged in 'unprecedented war on whistleblowers'," Washington Post, <http://www.washingtonpost.com/blogs/post-politics/wp/2013/07/02/greenwald-obama-engaged-in-unprecedented-war-on-whistleblowers/>, Accessed: July 7, 2015, YDEL)

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Uniq: No WB Protection Now

Whistleblowers are unprotected-FBI proves

Green, 2015

(Michael, a fellow with the Brennan Center for Justice's Liberty and National Security Program. Previously he was policy counsel for national security and privacy for the American Civil Liberties Union Washington Legislative Office. A sixteen-year veteran of federal law enforcement, German served as a special agent with the Federal Bureau of Investigation, where he specialized in domestic terrorism and covert operations, "Why the FBI Needs To Protect Its Intelligence Whistleblowers," Defense One, MARCH 5, 2015, <http://www.defenseone.com/ideas/2015/03/why-fbi-needs-protect-its-intelligence-whistleblowers/106824/>, Accessed: July 8, 2015, YDEL)

There seems to be a growing consensus that protecting intelligence community whistleblowers is important to national security. More needs to be done to protect them.¶ During his 2013 nomination hearing to be FBI director, James Comey called whistleblowers "a critical element of a functioning democracy" and vowed to protect them from reprisals. He said that "folks have to feel free to raise their concerns, and if they are not addressed up their chain-of-command, to take them to an appropriate place."¶ This might sound comforting to an FBI agent considering reporting internal waste, fraud or mismanagement. The problem is that any FBI employee taking Comey's advice would find themselves stripped of the meager protections offered through Justice Department regulations governing FBI whistleblowers. Most people who see a problem on the job naturally report it first to their own supervisor. But the regulation only protects disclosures made to a handful of high-ranking officials and not those made to direct supervisors in the employees' chain-of-command. So, the regulation serves more as a trap for would-be whistleblowers rather than a shield against retaliation.¶ It has a real chilling effect. The Justice Department dismisses a significant portion of FBI whistleblower claims because they are reported to the wrong person, according to the Government Accountability Office. The FBI is the only federal agency that doesn't protect chain-of-command whistleblower reports to supervisors.¶ But don't think those correctly navigating the Justice Department's regulatory requirements have an easy path. FBI whistleblower cases are adjudicated in an internal Justice Department process that is exempted from judicial review. The Justice Department argues that allowing FBI whistleblowers to go to court would risk exposing sensitive national security information.¶ The fact is the Justice Department's process doesn't protect whistleblowers. The GAO looked at more than five dozen FBI whistleblower claims, and found only three that resulted in some form of corrective action. It took the Justice Department eight to 10 years to investigate and adjudicate these three cases. If you can imagine the financial and emotional costs of litigating a claim against your own employer for 10 years, you might understand why 42 percent of FBI employees questioned in a 2009 survey said they did not report all of the misconduct they saw on the job and 18 percent said they never reported any wrongdoing they witnessed.¶ Danielle Brian, who runs the Project on Government Oversight, which often relies on whistleblowers, explained why whistleblowers come to her, and how employees of the intelligence agencies are most vulnerable to retaliation: There is a reason for the FBI's rules. Congress exempted the FBI and other intelligence agencies from the protections it gave to other federal employees through the Whistleblower Protection Act, fearing that adjudicating such claims might risk exposing national security secrets. But this fear is misplaced.¶ Babak Pasdar, CEO of Bat Blue Networks and an information technology and network security expert, is also a whistleblower. In 2003, Verizon Wireless, a major mobile telecommunications provider, hired him to upgrade its security infrastructure. In the course of his work, he found a circuit that provided an unidentified third-party direct access to the company's data center, with no controls and no meaningful logging of the activity taking place over this portal. When he reported this obvious breach of the carrier's security policies and industry standards, he was told this was the "Quantico circuit" and he should just ignore it. Quantico is the home of the FBI academy and a U.S. Marine base, and the obvious implication was that this circuit provided unfettered government access to the telecommunications company's data. Recognizing the legal and security risks posed by such a portal, and unable to convince the company to address the matter appropriately, Pasdar brought the matter to Congress.¶ The legality of giving the government such unfettered access to telecommunications data is still being debated. What isn't debatable among information security experts is that these government "backdoors" into the telecommunications companies' data centers are bad

security, as Padsar explains:¶ “You cannot be half secure, just like you can’t be half pregnant,” seems like a simple concept. If a vulnerability is created for one purpose, then there is no guarantee that it won’t be exploited by others for a different purpose. But the security threats created by the government’s secretive data access arrangements don’t seem to be properly weighed before these programs are implemented. It’s too easy to make poor decisions when the planning is done in secret, which is why it is so crucial that intelligence community employees have safe and clear avenues to raise their concerns within their agencies, other executive branch agencies and Congress. These employees are well-trained in the proper handling of classified information and are fully capable of reporting without risking unauthorized disclosures.¶ In fact, the failure to provide these safe avenues for reporting internal government misconduct is what drives anonymous leaks to the press. Padsar discusses what later intelligence leaks by National Security Agency contractor Edward Snowden revealed about the data portal he discovered a decade earlier:¶ Snowden reportedly said his decision to provide classified information to reporters was informed by seeing how the government treated previous National Security Agency whistleblower Thomas Drake, who tried to go through appropriate channels to report waste and abuse, only to be charged with Espionage Act violations.¶ The good news is that the Justice Department has acknowledged that its policies and procedures for investigating and adjudicating FBI whistleblower cases needs improvement. Unfortunately, its proposed reforms would not protect chain-of-command disclosures to supervisors, so most FBI whistleblowers still wouldn’t be protected. I testified before the Senate Judiciary Committee hearing on Wednesday and called for Congress to compel the Justice Department to protect FBI complaints to supervisors, and give them the same due process and court access other federal law enforcement and homeland security officials receive. Protecting the workforce that protects us will make all of us safer.

Current protections do not extend to whistleblowers in the intelligence community- they are exempted from the Whistleblower Protection Act

Goitein, 12/22/2012

(Elizabeth, co-directs the Brennan Center for Justice’s Liberty and National Security Program. Before coming to the Brennan Center, Ms. Goitein served as counsel to U.S. Senator Russell Feingold, Chairman of the Constitution Subcommittee of the Senate Judiciary Committee. As counsel to Sen. Feingold, Ms. Goitein handled a variety of liberty and national security matters, with a particular focus on government secrecy and privacy rights. Previously, Ms. Goitein was a trial attorney in the Federal Programs Branch of the Civil Division of the Department of Justice, Ms. Goitein’s writing has been featured in major newspapers including The New York Times, The Washington Post, Boston Globe, the San Francisco Chronicle, Wall Street Journal and the Philadelphia Inquirer, as well as prominent outlets such as Roll Call, the National Law Journal, and the Huffington Post. She has appeared on national television and radio shows including the The Rachel Maddow Show, All In with Chris Hayes, PBS NewsHour and National Public Radio’s Morning Edition and On The Media, December 22, 2012, The Huffington Post, <http://www.huffingtonpost.com/elizabeth-goitein/>, Accessed: July 8, 2015, YDEL)

Ms. Goitein’s writing has been featured in major newspapers including The New York Times, The Washington Post, Boston Globe, the San Francisco Chronicle, Wall Street Journal and the Philadelphia Inquirer, as well as prominent outlets such as Roll Call, the National Law Journal, and the Huffington Post. She has appeared on national television and radio shows including the The Rachel Maddow Show, All In with Chris Hayes, PBS NewsHour and National Public Radio’s Morning Edition and On The Media.¶ Ms. Goitein graduated from the Yale Law School and clerked for the Honorable Michael Daly Hawkins on the U.S. Court of Appeals for the Ninth Circuit.¶ The White House recently released a presidential directive extending legal protections to intelligence community employees who expose government fraud, waste, or abuse. Advocates for greater transparency and accountability in government applauded the move. But some observers noted a seeming discrepancy between the directive and the administration’s aggressive record of prosecuting leaks within the intelligence community. Has the Obama administration

turned over a new leaf when it comes to national security whistleblowers?¶ The directive is unquestionably a step forward. Intelligence community whistleblowers have

few legal protections. They are exempted from the Whistleblower Protection Act, which prohibits agencies from retaliating against employees who reveal government misconduct. A separate law allows intelligence community employees to disclose government wrongdoing to certain agency officials and, in some cases, to the congressional intelligence committees. However, nothing in that law prevents their supervisors from retaliating against them if they make such disclosures. ¶ The presidential directive attempts to fill this void, requiring intelligence agencies to prohibit and remedy acts of retaliation for disclosures that are permitted under existing law. The directive also permits disclosures to an expanded list of government officials. ¶ The directive, however, does not allow any disclosures to the media. The Obama administration has pursued more criminal prosecutions against officials who leak information to the press than all previous administrations combined. It has leveraged the Espionage Act -- a law designed to target spies and enemies of the state -- to penalize whistleblowers' disclosure of classified information to reporters. ¶ The president no doubt believes he has struck the right balance through this two-pronged approach. Intelligence community employees may flag problems through approved government channels. Given the sensitivity of classified information, however, they face harsh punishment if they blow the whistle outside these channels. Accountability is served and national security is protected - at least in theory. ¶ The problem with this theory is that the approved channels for whistleblowing will often lead to a dead end. If an employee questions the legality of a program approved at the highest levels of government, appealing to government officials is unlikely to prompt reform. There would have been little point in an interrogator informing George Tenet in 2002 that the CIA was waterboarding detainees. ¶ A whistleblower won't necessarily fare any better with the congressional intelligence committees. In his recent book, *Power and Constraint*, former Justice Department official Jack Goldsmith observes that these committees provide only "dysfunctional oversight" due to the "perverse political incentives" at play: committee members reap few political rewards from secret battles with the executive branch, and they would prefer not to be on the hook for controversial national security decisions. ¶ The president's approach might nonetheless be justified if disclosing classified information to the press posed an intolerable risk to national security. In fact, however, experts widely agree that much classified information could safely be released. High-level government officials have estimated that 50 to 90 percent of classified documents fall into this category. "Overclassification" is the norm, not the exception. ¶ The flaws in the Obama administration's approach are aptly illustrated by the case of Thomas Drake. While an official at the National Security Agency, Drake became concerned that the agency's use of a computer program to search through Americans' electronic communications was wasteful and illegal. He scrupulously followed official whistleblowing procedures, raising his concerns first within the agency and then informing the congressional intelligence committees. Nothing happened. So he spoke with a reporter, taking great care to limit their discussions to unclassified information. ¶ In 2010, after a long investigation, Obama's Justice Department brought charges against Drake under the Espionage Act for improperly keeping classified documents in his home. The former chief information security officer under George W. Bush testified in Drake's defense. He opined that one of the documents at issue constituted the most egregious example of overclassification he had ever seen. The prosecution largely fell apart, but Drake was forced to plead guilty to a misdemeanor. He lost his job and his pension and spent years of his life in a terrifying legal limbo. ¶ This is not the way to handle national security whistleblowing. A better solution would be to protect disclosures to the media by intelligence employees who have a good faith, objectively reasonable belief that the information reveals significant fraud, waste, or abuse and that the disclosure will not harm national security, and who have exhausted other whistleblowing avenues available under the law. The president should declare that he considers the Espionage Act inapplicable in such cases -- after all, that is the better interpretation of the statute -- and drop all pending prosecutions in cases meeting these criteria. ¶ This approach would serve the twin goals of promoting accountability and protecting national security more effectively than the current protect-and-prosecute policy. And it would clarify the decidedly mixed message the administration has been sending national security whistleblowers.

The executive and congress have failed to adequately address national security's abuse of power

Vaughn 12 (Robert G. Professor of Law at the American University who is published on a variety of topics regarding public information law, public employment law, consumer law, and whistleblower protection "The Successes and Failures of Whistleblower Laws" 28 Dec 2012 Pages 312-314 www.elgaronline.com/view/9781849808378.xml , [cayla_](#))

The development and use of increasingly 'intrusive technologies' threatened the rights of citizens.³² The response of the government to domestic dissent and to the violent acts of a small minority of protesters 'could have set an example for the nation's citizens and prevented spiraling lawlessness by respecting the law as it took steps to predict and prevent violence. But agencies of the

United States, sometimes abetted by public opinion and government officials, all too often disregarded the Constitutional rights of American[s] in their conduct of domestic intelligence operations.³³ The ‘central problem posed by domestic intelligence activity has been its departure from the standards of the law.³⁴ In particular, the report describes how intelligence officials concealed wrongdoing from Executive Branch officials and from Congress.³⁵ Recognition of illegality led not to disclosure or reform but to increased security to prevent discovery.³⁶ Moreover, federal agencies encouraged local police surveillance of lawful First Amendment activities.³⁷ Despite the abuses and the importance of whistleblowers in disclosures of those abuses conducted in the name of national security, the whistleblower provision of the Civil Service Reform Act of 1978 (CSRA) excluded the employees of national security agencies from any protections otherwise provided to whistleblowers. (A separate provision applied to the Federal Bureau of Investigation.) Thus, these employees enjoyed no protection even if the information they disclosed was not classified. Other federal employees could disclose wrongdoing involving classified information only to agency inspectors general or to the Office of Special Counsel.³⁸ Perhaps one reason for the exclusion were the steps that Congress had taken to increase oversight of executive branch national security operations.³⁹ More likely though, Congress continued to see national security as both separate and immune from the legal protections of whistleblowers applicable elsewhere in the federal government. Rather, whistleblowers in these agencies had to rely on internal procedures provided by the executive. Whistleblower laws in the United States have not dealt effectively with the arguments for secrecy based on national security or with the protection of national security whistleblowers. Official secrets laws in other countries limit whistleblowing beyond the restriction in the United States.⁴⁰ In particular, official secrets laws criminalize whistleblowing. In its several versions the Whistleblower Protection Enhancement Act of 2010 (WPEA) applied the Whistleblower Protection Act of 1989 to the employees of national security agencies. These versions permitted more than just internal disclosures to officials within national security agencies. For example, one version would have permitted disclosures to any member of the House and Senate Intelligence Committees and to staff of those committees. These versions also sought some type of external review of allegations of reprisal. For example, one proposal would have permitted adjudication by the United States Merit Systems Protection Board (MSPB); another who have established a review board consisting of representatives of national security agencies to consider and review such claims of retaliation.⁴¹ Provisions of the law relating to national security whistleblowers were one of the reasons for the failure of the WPEA to obtain congressional approval. Objections in the House of Representatives to the national security provisions led to the removal of most of the reforms relating to national security. The subsequent delay required unanimous consent of the Senate to consider the law prior to the dissolution of the 111th Congress. One senator anonymously objected and the WPEA failed. Current controversies regarding national security whistleblowers raise the same issues regarding the application of whistleblower laws to national security agencies or to national security information. The failure of Congress to enact the WPEA demonstrates the difficulties of expanding whistleblower laws to national security whistleblowers. The attempts to apply the draconian penalties of the 1918 Espionage Act to an employee of the National Security Agency who disclosed waste and threats to the privacy of US citizens in surveillance technology developed for the NSA demonstrates the power of the national security rubric even in an administration pledged to openness.⁴² The prosecution, under the Espionage Act, of Thomas Drake, an employee of the NSA, also highlights the tension between national security and whistleblowing. Drake’s conviction could have resulted in a sentence of 35 years in prison. The term ‘espionage’ usually conjures the image of the sale of the most sensitive classified information to foreign enemies of the United States and evokes the names of spies such as Aldrich Ames and John Hanson, men whose spying led to the deaths of persons working for US intelligence agencies.⁴³ On the other hand, Drake’s crime was to retain ‘top-secret defense documents’ and to take them home in order to make ‘unauthorized disclosures.’⁴⁴

AT: Whistleblower CP/Reforms

The current system around whistle blowing is broken

Brian 13- executive director at POGO

(Danielle, Nation's Focus Should be on Broken Whistleblower System And Unchecked Growth of our National Security State, <http://www.pogo.org/about/press-room/releases/2013/nations-focus-should-be-on-broken-whistleblower-system.html?referrer=https://www.google.com/>) JB

What is unfolding with Edward Snowden is not surprising—our current policies actually encourage leaks, given there is no meaningful legal system for whistleblowing in the intelligence community. **There are too few legal channels for disclosing secret wrongdoing, and those that exist do not provide authentic protections from retaliation. There are very weak protections for intelligence whistleblowers** and none at all for intelligence contractors. National security whistleblowers also have good reason to doubt that the authorities will take action on their disclosures, given the inaction by knowledgeable authorities in the administration, Congress and the Courts. Where Mr. Snowden chooses asylum is a sideshow to critical matters facing our nation. What we should be focusing on are the important issues he has exposed—a broken system for whistleblowers and how secrecy is undermining our constitutional democracy.

AT: Status Quo Solves

Status quo provisions are not enough—loopholes and threat of retaliation has deterred whistleblowers from bringing attention to fraud in the financial industry

Davis 15 (Owen, Reporting on Wall Street and finance for International Business Times “Wall Street Whistleblowers: After The Largest Leak In Banking History, Are They Safe?” February 09 2015 www.ibtimes.com/wall-street-whistleblowers-after-largest-leak-banking-history-are-they-safe-1810474, cayla_)

For seven years, Hervé Falciani was on the lam, playing cat-and-mouse with Swiss police as he hopped surreptitiously across European borders. He drove rented cars and wore eccentric disguises, fancying himself a sort of James Bond-style operative. He found strategic allies among French and Spanish authorities and reportedly courted the U.S. Department of Justice before being arrested in Barcelona in 2012. Falciani's contraband: a cache of secret documents he acquired while working for the private Swiss branch of U.K. banking giant HSBC. The release during the weekend of a report based on Falciani's cache provides a rare glimpse into the inner workings of the Swiss banking system, widely regarded as an international tax haven. Falciani has since been released and remains in legal limbo. But the fact that it took seven years for the biggest banking industry leak in history to become public raises questions about the state of financial whistleblower protections. Would Falciani have had an easier time of it in the U.S.? “There's a lot of talk about how the Obama administration has been hard on whistleblowers,” said Kate Kenny, a researcher at Queen's University Management School in Belfast, referring to the administration's unprecedented use of the Espionage Act to prosecute national security whistleblowers. “But you have to ask, ‘Which sector?’ In financial services, it's gotten much better.” Though it may come as a surprise, the life of the American financial whistleblower has nominally improved in the past five years. Experts say the U.S. has some of the strongest whistleblower protections in the world. “In terms of legal rights, this is the golden era for financial whistleblowers,” said Tom Devine, legal director of the Government Accountability Project, who has worked with more than 6,000 whistleblowers in his career. The Dodd-Frank Act, crafted in response to the institutional failures that culminated in the 2008 financial crisis, created a raft of provisions to incentivize employees to report abuses both internally and to authorities. Employers are barred from retaliating against employees who lawfully report perceived wrongdoing. Whistleblowers whose tips lead to settlements may qualify for hefty awards. Last year, the Securities and Exchange Commission set a record with a \$30 million payout to an individual central to the Bank of America mortgage fraud settlement. If he were American, however, Falciani still may have faced risks -- less likely from the government than from the employer. “It's a common phenomenon in the U.S. for corporations to seek civil or criminal prosecution of whistleblowers for stealing evidence,” Levine said. Even with stronger-than-ever anti-retaliation protections in place, Levine said, “the incidence of retaliation has actually increased sharply.” In 2012, the Ethics Resource Center reported the incidence of employees facing retaliation had nearly doubled. And studies have found workers in the financial sector are among the least likely in any field to report on wrongdoing for fear of recrimination. Meanwhile, firms in the private sector have instituted more and greater rules against public disclosure, using contracts to pressure employees into silence. And therein lies a crucial gap in the law, the Government Accountability Project argued in a letter to U.S. legislators. The section in Dodd-Frank that protects financial whistleblowers does not include a so-called anti-gag provision, as many other whistleblower statutes do. The loophole potentially allows companies internal secrecy policies to override SEC assurances. As companies erect ever-steeper nondisclosure policies, pending legal battles will determine how -- and whether -- the SEC's whistleblower protections stack up against corporate secrecy rules. “With a barrage of stronger legal rights, whistleblowers pose an ever greater threat to corporations engaging in questionable conduct,” says Devine. “It's become: harass first and ask questions later.” Still, the SEC logged the most whistleblower tips last year -- 3,620, according to a 2014 report. And the department awarded nine individuals in 2014, more than in the previous three years combined. But whether this actually will lead to more investigations also remains an open question. Representatives with the SEC declined to say how many ongoing investigations resulted from whistleblower tips. Neither could the agency make any indication as to the percentage of tips that are legally actionable. “All these tips, why aren't there more investigations?” Devine asked. The answer could lie in the fact that the cases take years to play out. “The SEC has explained that there's a very active, unprecedented docket,” Devine said. “But we have to be patient.”

Solvency: WB Key

Existing institutions can't check—whistleblowers are key to releasing insiders' information with the attention of the public, media, and Congress—Hanford proves

Johnson 03 (Roberta A. Professor of Politics at the University of San Francisco *Whistleblowing: When It Works—and Why* Lynne Rienner Publishers, Inc. (2003) page 76-79, *cayla_*)

Hanford's environmental condition was "so bizarre and severe it made other Superfund cleanup sites look like driveway oil spills" (Lynch 1999b) and yet the DOE seemed to be dragging its feet. The federal agency was slow to respond to the concerns of the Washington State Department of Ecology (Wald 1998) and to many alarmed congressional members such as Oregon senator Ron Wyden. In fact, as reflected in descriptions published in local and national newspapers, and as reflected in congressional and GAO reports, the Department of Energy sometimes appeared to even lack knowledge and interest in the Hanford problem. It is not altogether clear why The Department of Energy seemed so slow to address the problems at Hanford. Being slow to act may have had something to do with the complex rules, agreements, and legislation DOE enforces and the kind of relationship that they had with the state, and with the contractors who were charged with the assessment and cleanup (General Accounting Office 1999; Senate 1995: 20-22). It may also have related to experts disagreeing about technical solutions (Murphy 2000b) or have reflected DOE's desire to avoid the negative publicity, local meetings, and congressional hearings that would surely accompany actions that publicly expose radioactive dangers (Geiger 1990; Murphy 2000a; Raloff 1990). DOE may have been slow because they simply did not want to know (Wald 1998), or it may have been related to the enormous costs of an effective cleanup, aptly described as "a river of money flowing out of Washington, D.C." (Schneider 1994: A-21; Senate 1995: 4-8). DOE's slowness may have been the result of really not understanding the extent of the problem, or more cynically, they may have wanted to keep a low profile on Hanford so they would reduce public opposition to their efforts to restart one of Hanford's reactors (Government Accountability Project 1999, 2001c). Problems simmered underground at Hanford, waiting to be addressed. Reporters continued to ask if the DOE was competent to be an environmental steward (Wald 1998). A crucial ingredient for getting the DOE's attention came from the grassroots activities of "the Downwinders," and organizations such as the Hanford Education Action League (D'Antonio 1993: chapter4). But it would eventually take more than concerned-citizen groups, investigative reporters, worried workers, and attentive Congress members to move the Department of Energy to action. It would take whistleblowers. Indeed, the Department of Energy was forced to seriously respond to the health and safety threats at Hanford starting in the late 1980s, because of the persistent actions of whistleblowers who began expressing alarm about the unchecked contamination at the site (D'Antonio 1993; Lynch 1999b; Murphy 2000a). Whistleblowers such as Casey Ruud, John Brodeur, and Jim Simpkin had the insider information, the public's attention, media coverage, and the ear of Congress. Their important role in moving the DOE toward action was captured in the headlines of an October 1999 issue of the Seattle Times Magazine. The headlines asked, "How Bad Were the Leaking Tanks? And Did Anyone but a Couple of Whistle-Blowers Really Want to Find Out?" (Lynch 1999b). Whistleblowers succeeded in directing attention and producing action to address the dangers of Hanford. Of course, it would be "unfair" and "unwise" to rely on whistle-blowers as the only "early alarm" warning of trouble or rely on them as the major anticorruption tool. Unfair because the personal cost to the individual whistle blower is usually so great; unwise because the uncovering of past misdeeds may misdirect agency attention away from the important ethical issues and choices of the day (Jos 1991). Ethicists agree that the best approach for organizations is to avoid misconduct in the first place. But if this hasn't happened, whistleblowers play a crucial role in cleaning up the mess. However unfair and unwise, whistleblowers have been effective instruments for uncovering, exposing, and publicizing wrongdoing and serious health threats. But whistleblower Barbara Moulton did even more. Barbara Moulton had a profound and lasting effect on the Food and Drug Administration in the early 1960s. In her case, whistleblowing did more than merely uncover problems and expose risks of harm to the public. Because of the particular circumstances, she was instrumental in averting a calamity and responsible for turning an agency's public exposure and embarrassment into a renewed commitment to their mission.

AT: WB Protections Now

No accountability in the system and no protections for whistleblowers now

Goodman and Landay JUNE 25, 2013

(AARON, m and raised in Vancouver, Canada, Aaron comes to Democracy Now! after a two-year stint as an independent journalist and as a researcher for the author and journalist Naomi Klein. Through his work as a journalist and activist, he has had the opportunity to visit the Occupied Territories, Haiti, and South Africa. His writings have appeared in publications including the Toronto Star, the Globe and Mail, and the Guardian of London. Aaron received his B.A. in Communication Studies from Concordia University in Montreal. He is a regular contributor to the Montreal/San Francisco-based magazine Warrior, and Amy, he host and executive producer of Democracy Now!, a national, daily, independent, award-winning news program airing on over 1,300 public television and radio stations worldwide. Time Magazine named Democracy Now! its "Pick of the Podcasts," along with NBC's Meet the Press. ¶ The Nieman Foundation for Journalism at Harvard honored Goodman with the 2014 I.F. Stone Medal for Journalistic Independence Lifetime Achievement Award. She is also the first journalist to receive the Right Livelihood Award, widely known as the 'Alternative Nobel Prize' for "developing an innovative model of truly independent grassroots political journalism that brings to millions of people the alternative voices that are often excluded by the mainstream media." She is the first co-recipient of the Park Center for Independent Media's Izzy Award, named for the great muckraking journalist I.F. Stone. The Independent of London called Amy Goodman and Democracy Now! "an inspiration." PULSE named her one of the 20 Top Global Media Figures of 2009. ¶ Goodman has co-authored five New York Times bestsellers. Her latest two, The Silenced Majority: Stories of Uprisings, Occupations, Resistance, and Hope, and Breaking the Sound Barrier, both written with Denis Moynihan, give voice to the many ordinary people standing up to corporate and government power. She co-authored her first three bestsellers with her brother, journalist David Goodman: Standing Up to the Madness: Ordinary Heroes in Extraordinary Times (2008), Static: Government Liars, Media Cheerleaders, and the People Who Fight Back (2006) and The Exception to the Rule: Exposing Oily Politicians, War Profiteers, and the Media That Love Them (2004). She co-writes a weekly column with Denis Moynihan (also produced as an audio podcast) syndicated by King Features, for which she was recognized in 2007 with the James Aronson Award for Social Justice Reporting. ¶ Goodman has received the American Women in Radio and Television Gracie Award; the Paley Center for Media's She's Made It Award; and the Puffin/Nation Prize for Creative Citizenship. Her reporting on East Timor and Nigeria has won numerous awards, including the George Polk Award, Robert F. Kennedy Prize for International Reporting, and the Alfred I. duPont-Columbia Award. She has also received awards from the Associated Press, United Press International, the Corporation for Public Broadcasting, and Project Censored. Goodman received the first ever Communication for Peace Award from the World Association for Christian Communication. She was also honored by the National Council of Teachers of English with the George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language, "Insider Threat: Government Employees Urged to Tattle On Coworkers in Effort to Stop Classified Leaks," Democracy Now, JUNE 25, 2013.

http://www.democracynow.org/2013/6/25/insider_threat_government_employees_urged_to, Accessed: July 8, 2015, YDEL)

MY GOODMAN: Your response to the intelligence chair, Mike Rogers, Jonathan? ¶ JONATHAN LANDAY: My response would be that we've—that there is a history of people who have used the internal channels, whistleblower channels within the government, and instead of having their concerns addressed—and those channels, by the way, include going to members of Congress and trying to get members of Congress to address the whistleblower's concerns. And instead, Congress has not only not taken up some of these cases, but we've seen retaliation against whistleblowers for bringing up legitimate concerns about waste, fraud and abuse. And so, there is a distinct lack of trust in Congress, of Congress, of the system. I think that you can only look at what's happened with the lack of accountability when it comes to the Bush administration and its so-called—its aggressive interrogation techniques, the use of black sites, the telephone—the warrantless wiretapping of Americans, of telephone conversations, communications by the Bush administration. There has been no accountability at all among the senior people who oversaw all of this, and so you've got to ask the question: Well, why would someone lower down the food chain, lower down the ranks, have any trust in this system at all?

Whistleblowers Good

---Environment Impacts

WB Good: Environment

Whistleblowing is key to protect the environment over corporate interests—Adebayo proves

Desvarieux (Jessica, Host, Producer, and D.C. Correspondent of The Real News, a global online video news network focused on providing independent and uncompromising journalism on the critical issues of our times “EPA Whistleblower Speaks Up About US Corporation Poisoning South African Miners” October 3, 2014

therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=10903 ,
cayla_)

COLEMAN-ADEBAYO: Certainly. So my job was to work with the ANC leadership, essentially, in the new government. And as a part of that process, I found out that a U.S. multinational corporation was involved in unsafe working conditions in a U.S.-owned mine in South Africa that mines a substance called vanadium pentoxide. Now, vanadium pentoxide is really at the base of how we run our country and this—how we run this country and why this country operates, because the United States government and industrial society in general is based on a framework of steel. If you look at your buildings, technology, sometimes surgical equipment, cars, trucks, it's really built on a base of steel. Vanadium is an alloy, so that it's a substance that when you pour it, when you mix it with steel, it provides steel with flexibilities so that the steel would not crack when it's under pressure, either hot and cold pressures or just extreme temperatures. So that it's—so Henry Ford, for example, had a problem with the Model T in Detroit, because Detroit is an environment where we have very hot environments and very cold environments, and the steel kept cracking in the Model T. And through his communications with a French scientist, he found out that if you mix vanadium in with the steel, that the car—that they would provide the steel with the flexibility to withstand both hot and cold situations. So our armament, our weaponry systems, televisions, airplanes, forks, knives, everything that we use in this country that has steel in it comes from this small community in South Africa that produces vanadium pentoxide. DESVARIEUX: So this is a multibillion-dollar industry we're talking about, this--.

COLEMAN-ADEBAYO: Oh, absolutely. Absolutely. There are a number of papers, particularly CIA papers, that we have been able to have access to which actually note that vanadium is a substance that the United States government would be willing to commit war in order to make sure that U.S. government had access to this substance. DESVARIEUX: Wow--commit war. So when you approach your supervisors and you let on that you have found there to be this, the poisoning of the residents, they basically told you to shut up. COLEMAN-ADEBAYO: No, no. It wasn't basically told me to shut up. I was told to shut up. And then I was actually told, you know, look, you know, you've got this great position. You know, why do you want to worry about every poor African on the continent? Why don't you spend your time decorating your office? DESVARIEUX: Wow. COLEMAN-ADEBAYO: And so, clearly, that was really the first salvo, I think, that I should have known that something was wrong, because it was such an outrageous statement to make to a senior policymaker. But, you know, nevertheless, what you do is you try just to go to another person and sort of navigate through the system. And every single door I went to, it was just shutting in my face. And, you know, one of the things that we have to be concerned about is this rotating door between industry and government, because you have a lot of people going into government to gather the contacts and to sort of do their sort of outreach. And then, of course, they leave government, they go back into private sector. But while they're in government, they're still operating as someone from the private sector. And in my office that was the same situation, so that we had a lot of people who had come in from the extractive industries who were actually in my office, so that when I started talking about vanadium pentoxide poisoning, they understood exactly what I was talking about, even though at the time I didn't. DESVARIEUX: I understand. So how would you describe the culture, then? I mean, I know you've said in the past that you've equated it to a 20th-century plantation. COLEMAN-ADEBAYO: Yeah, yeah, definitely. Well, when I first arrived at EPA, there were very few black professionals, and so we were in a sense the first generation of black professionals at the EPA. And the culture was such that, yeah, I mean, we understand by law we have to have black professionals at the table, but we certainly don't expect you to say anything. And so we kept, you know, sort of hitting this screen door where people would look at us like, you know, who invited you to say anything at the meeting? You're supposed to just sit there as a token. And so we had a lot of problems, particularly when it came to issues that we were so passionate about, like Africa, the Caribbean, global warming, and issues that really impact our community-- you know, neurotoxic levels of lead in the brain of young black kids. We wanted to make our contributions and we were determined to do that, and every step of the way we were being smacked down. DESVARIEUX: And the EPA, I know, has been also equated to sort of this mafia, this, like, shadow organization. And it's interesting, because I think the impression that a lot of people have of the EPA is they're safeguarding our water and, you know, our environment and this is one of those great agencies that we should really be championing. But you're saying the culture in there doesn't reflect that at all.

COLEMAN-ADEBAYO: It's very much a corporate culture. And when I first arrived at EPA, it was not unusual to have someone from Dow Chemical sitting at a desk in the corner in the same office that you were in who was also writing environmental policy. And so, you know, for a while—it took me a while to sort of, you know, get a handle on who was a government official and who was from the private sector in the very office. And so, you know, I'm sure you've read a lot of history of EPA where in fact there have been congressional hearings about industry leaders actually writing environmental policy, sending it to EPA for their comments, and then EPA promulgating those as rules. So it took a while for me to understand that this agency, in terms of a Trojan horse, that in fact there was very little difference between corporate

interests, interests of the pesticides industry, interests--you know, the mineral extractive industries and what was happening at EPA. And whenever there was a conflict between what was good for industry and what was good for the people, industry almost always won. DESVARIEUX: Industry almost always won. COLEMAN-ADEBAYO: Almost always won.

WB Good: Pollution

Whistleblowers are key to check political motives behind undisclosed contamination and pollution

Horn 13 (Steve, Research Fellow for DeSmogBlog and a freelance investigative journalist/DESMOG, Clearing the PR pollution that clouds climate science “Exclusive: Censored EPA PA Fracking Water Contamination Presentation Published for First Time” August 5, 2013 DESMOG www.desmogblog.com/2013/08/05/censored-epa-pennsylvania-fracking-water-contamination-presentation-published-first-time , *cayla*)

DeSmogBlog has obtained a copy of an Obama Administration Environmental Protection Agency (EPA) fracking groundwater contamination PowerPoint presentation describing a then-forthcoming study's findings in Dimock, Pennsylvania. The PowerPoint presentation reveals a clear link between hydraulic fracturing (“fracking”) for shale gas in Dimock and groundwater contamination, but was censored by the Obama Administration. Instead, the EPA issued an official desk statement in July 2012 - in the thick of election year - saying the water in Dimock was safe for consumption. Titled “Isotech-Stable Isotope Analysis: Determining the Origin of Methane and Its Effects on the Aquifer,” the PowerPoint presentation concludes that in Cabot Oil and Gas' Dimock Gesford 2 well, “Drilling creates pathways, either temporary or permanent, that allows gas to migrate to the shallow aquifer near [the] surface...In some cases, these gases disrupt groundwater quality.” Other charts depict Cabot's Gesford 3 and 9 wells as doing much of the same, allowing methane to migrate up to aquifers to unprecedented levels - not coincidentally - coinciding with the wells being fracked. The PowerPoint's conclusions are damning. “Methane is released during the drilling and perhaps during the fracking process and other gas well work,” the presentation states. “Methane is at significantly higher concentrations in the aquifers after gas drilling and perhaps as a result of fracking and other gas well work...Methane and other gases released during drilling (including air from the drilling) apparently cause significant damage to the water quality.” Despite the findings, the official EPA desk statement concluded any groundwater contamination in Dimock was “naturally occurring.” “EPA found hazardous substances, specifically arsenic, barium or manganese, all of which are also naturally occurring substances, in well water at five homes at levels that could present a health concern,” read the EPA desk statement. “EPA has provided the residents with all of their sampling results and has no further plans to conduct additional drinking water sampling in Dimock.” Two EPA whistleblowers recently approached the American Tradition Institute and revealed politics were at play in the decision to censor the EPA's actual findings in Dimock. At the heart of the cover-up was former EPA head Lisa Jackson. Former EPA Head Lisa Jackson's Role in Censoring Report EnergyWire's Mike Soraghan explained the studies were dropped - according to one of the unidentified whistleblowers close to the field team in Dimock - “out of fear the inquiries would hurt President Obama's re-election chances.” Though the two EPA career employees' initial findings pointed to water contamination in Dimock - as seen in the PowerPoint presentation - their superiors told them to stop the investigation, in turn motivating them to blow the whistle. One of the whistleblowers said he came forward due to witnessing “patently unethical and possibly illegal acts conducted by EPA management.” “I have for over a year now worked within the system to try and make right the injustice and apparent unethical acts I witnessed. I have not been alone in this effort,” the unnamed whistleblower told Soraghan. “I took an oath when I became a federal employee that I assume very solemnly.” Former EPA Head Lisa Jackson, now Apple Environmental Advisor; At the center of the management team overseeing the false desk statement: former EPA head Lisa Jackson, who now works as Apple's top environmental advisor. Jackson was recently replaced by just-confirmed EPA head Gina McCarthy. This was revealed by the other whistleblower, who as part of the regular duties of his job, was a member of the “HQ-Dimock” email listserv. On that list, Jackson went by the pseudonym “Richard Windsor” as a way to shield her real name from potential Freedom of Information Act requests. “Many members of the email group...were lawyers and members of Lisa Jackson's inner political circle,” explained Soraghan. Key Freedom of Information Act Filed American Tradition Institute has filed two FOIA's in response to the whistleblowers coming forward. “One FOIA request seeks certain e-mails, text messages, or instant messages of three specified EPA field staff which are to, from or make reference to the White House or EPA HQ,” explained ATI. “The second FOIA request focuses on emails sent as part of the ‘HQ-Dimock’ discussion group. Both requests cover the seven-month period from December 1, 2011 through June 30, 2012.” Natural Resources Defense Council - which has also been critical of the EPA on this issue - is suspicious of ATI's motives in this case. ATI is more well-known for denying climate change's existence and “ClimateGate” in particular. Yet, when push comes to shove, NRDC's Kate Sinding approves of ATI's FOIA filing and looks forward to what it discovers. “It appears to be an attempt to bully EPA out of these cases,” Sinding told EnergyWire. “If their request results in getting more information about the decisionmaking, that's good information for everyone. But I question their motivation.” “Hide It, Drop It, Forget About It” The real question at the heart of the matter: What were the EPA's motives for doing an about-face on a key multi-year tax-payer subsidized study? “It is unconscionable that, in the name of political expediency, the Obama Administration suppressed key information that would have connected the dots between fracking and water contamination,” Wenonah Hauter, Executive Director of Food and Water Watch told DeSmogBlog. “Gina McCarthy must put the health and safety of Americans first and prevent the agency from succumbing to political pressure.” Scott Ely - a former Cabot employee and Dimock resident who has three small children and whose water was contaminated by Cabot - expressed similar despair over EPA abandoning ship in this high-profile study. “When does anybody just stand by the truth? Why is it that we have a bunch of people in Washington, DC who are trying to manipulate the truth of what's happening to people in Dimock because of the industry?,” Ely asked rhetorically. Ely says he keeps an open line of communications with EPA employees, who regularly check in and caution him not to use his water. The employees remain unidentified for fear of retribution by EPA

upper-level management. "We thought EPA was going to come in and be our savior. And what'd they do? They said the truth can't be known: hide it, drop it, forget about it."

And independently, water pollution creates multiple scenarios for extinction

History.com 9

("Air and Water Pollution", pg online @

<http://www.history.com/states.do?action=state&state=Air%20and%20Water%20Pollution&parentId=earth>)

Clean air and water are essential to human survival. yet for centuries people have been engaging in activities that damage these natural resources. Air pollution has been an issue since at least the 11th century, when people began burning coal as an alternative to wood. In the latter part of the 13th century, in an effort to reduce air pollution, England's King Edward I threatened Londoners with harsh penalties if they didn't stop burning sea-coal. However, the king's regulations--and those of subsequent leaders--had little effect. By the late 18th century and first part of the 19th century, **coal came into large-scale use during the Industrial Revolution. The resulting smog and soot had serious health impacts on the residents** of growing urban centers. In 1952, pollutants from factories and home fireplaces mixed with air condensation killed at least 4,000 people in London over the course of several days. A few years earlier, in 1948, severe industrial air pollution created a deadly smog that asphyxiated 20 people in Donora, Pennsylvania, and made 7,000 more sick. **Acid rain**, first discovered in the 1850s, **was another problem** resulting from coal-powered plants. **The release of human-produced sulfur and nitrogen compounds into the atmosphere negatively impacted plants, fish, soil, forests and some building materials.** Today, the leading cause of air pollution in the U.S. is motor vehicles, which were first mass-produced in the U.S. by Henry Ford in the early 20th century. Auto emissions also increase the amount of greenhouse gases in the atmosphere, which in turn contribute to global warming. In 1963, in an effort to reduce air pollution, the U.S. Congress passed the Clean Air Act, legislation which has been amended and strengthened in the ensuing decades. However, in 2007, almost half (46 percent) of all Americans resided in counties with unhealthy levels of either ozone or particle pollution, according to the American Lung Association (ALA). Ozone, or smog, is described by the ALA as "an irritating, invisible gas that is formed most often by a reaction of sunlight and vapors emitted when fuel is burned by cars and trucks, factories, power plants and other sources. Ozone reacts chemically ("oxidizes") with internal body tissues that it comes in contact with, such as those in the lung." **It irritates the respiratory tract and can lead to a number of health problems**, including asthma attacks, chest pain **and even death**. The ALA defines particle pollution (formerly referred to as soot) as "the most dangerous, and deadly, of the widespread outdoor air pollutants." Particle pollution is microscopic and derived from "a complex mixture that can include ash, soot, diesel exhaust, chemicals, metals, and aerosols. In the eastern U.S., many particles come from power plants that burn coal to produce electricity. In the western U.S., many come from diesel buses, trucks, and heavy equipment, as well as agriculture and wood burning," according to the ALA. "Breathing particle pollution year-round can shorten life by one to three years. It causes many other health effects, premature births to serious respiratory disorders, even when the particle levels are very low. It makes asthma worse and causes wheezing, coughing and respiratory irritation in anyone with sensitive airways. It also triggers heart attacks, strokes, irregular heartbeat, and premature death." **Just like air, water is under assault from numerous types of pollution.** For centuries, humans unknowingly contaminated sources of drinking water with raw sewage, which led to diseases such as cholera and typhoid. According to a CNN report, one gram of human excrement contains approximately "10 million viruses, 1 million bacteria, 1,000 parasite cysts and 100 parasite eggs." Today, over 1 billion people worldwide lack access to safe water and every 15 seconds somewhere on the planet, a child dies from a water-related disease, according to WaterPartners International (www.water.org). **Water pollution intensified with the advent of the Industrial Revolution,** when factories began releasing pollutants directly into rivers and streams. In 1969, chemical waste released into Ohio's Cuyahoga River caused it to burst into flames and the waterway became a symbol of how industrial pollution was destroying America's natural resources. In 2007, CNN reported that "up to 500 million tons of heavy metals, solvents and toxic sludge slip into the global water supply every year. In the developing world [according to UNESCO] as much as 70 percent of industrial waste is just dumped untreated into the rivers and lakes. China is a perfect case in point. According to Greenpeace, around 70 percent of China's lakes and rivers are now polluted from industrial waste, leaving 300 million people "forced to rely on polluted water supplies." Water sources are also contaminated by rain runoff from such things as oil-slick roads; construction, mining and dump sites; and livestock wastes from farm operations. Leaky septic tanks, pesticides and fertilizers are among the other sources that can contaminate groundwater. **Over half the American population** (including the majority of those living in rural areas) **relies on groundwater for drinking water**, according to The Groundwater Foundation (www.groundwater.org), which also notes that **the largest use for groundwater is crop irrigation.**

---Nuclear Impacts

WB Add-on: Nuclear Meltdown

A. Nuclear whistleblowers key to prevent catastrophic nuclear meltdown and accidental nuclear weapon use

HMR 15

(Horace Mann Review, The Review is Horace Mann School's premier journal of opinion on current events, politics, public policy, and culture, "Whistleblowers: A Necessary Force in Fighting Corruption," 2/9, , <http://www.hmreview.org/?p=212>) JB

When institutions start to cut corners and slack off on safety, it is the job of whistleblowers to come forward and tell the world of the company's unfair practices so that they can be rectified. From textiles to electronics, from military to civilian, political and social, companies and organizations sometimes engage in processes that cut corners and unfairly exploit workers or supplies at a cost to the consumers and jeopardize both the workers' and consumers' safety in the process. **Alarming, nuclear whistleblowing has also been a necessary part of keeping the world safe from catastrophic events.** From Mordechai Vanunu, who revealed the Israeli nuclear weapons program to the British, to Gerald Brown, who uncovered the Thermo-lag circuit integrity scandal and silicone foam scandals in U.S. and Canadian nuclear power plants, workers in dangerous situations have repeatedly taken the initiative to keep their workplaces, and the world, safe. Whistleblowers are integral in the function of the world government. They do the thankless job of turning on their bosses and friends and leaking the little cut corners that friends agreed to in a brightly lit conference room as a harmless way to reduce costs to the world, so that the people not be deceived as to the product they are receiving. **Nuclear whistleblowers' job is more thankless than any other while being more necessary to the preservation of society than any other.** Most names are absent from common vernacular, and they seem to have been all but forgotten except on Wikipedia's page on nuclear whistleblowers. Yet men and women who revealed unsafe practices in nuclear power plants have led to sweeping changes in security and management at those plants. Some whistleblowers receive national attention and international support. Edward Snowden, the NSA contractor who leaked the PRISM program to the press, is widely known and discussed, even though not all people support his decision. He received the optimal reaction from the public that will most likely lead to changes in privacy policies of American government. He did the thankless job of revealing trade secrets, and although he is wanted by the United States and is hiding in the Russian Federation, he got his message out. **Nuclear whistleblowers are not always so lucky.** On the other hand, the most high profile nuclear whistleblower, Mordechai Vanunu, the man who leaked Israel's nuclear program to the British government, is not remembered by name, and his actions have all but been forgotten. Some people blow hot air at the issue of Israel's violation of the Nuclear Nonproliferation Treaty but most have taken it for granted and accept Israel's status as a nuclear state. Vanunu deserves to be recognized even though his countrymen in Israel and conservatives everywhere tend to resent his actions. He is a strong man who stood up for what he believed in, and it is the duty of the people to recognize that, especially when the reaction to Snowden's leaks were disproportionately and vastly larger in magnitude. Yet the message to whistleblowers in the nuclear sector is clear. If even the most high profile case does not receive the attention it deserves, or give the whistleblower the attention he or she needs to spread awareness about the issue that he or she is trying to fix, then there is no point of blowing the whistle on one's employer. **This fact is seen in the trend observed- there have been remarkably few whistleblowing events and no high profile ones, even though our nuclear industry is in poor shape.** The US Public Interest Group advocates against the building of new nuclear power plants by showing that the current plants are outdated and new ones have the same life span. While other whistleblowers and whistleblowing events are high profile, many nuclear whistleblowing events are not remembered by the public. There is therefore little incentive for people in the nuclear sector to come forward about issues in the workplace. But there is a need for them to. There are watchdogs in place to prevent mishandling of nuclear materials in the nuclear power and weapons sector, but of late they have also been doing their jobs incorrectly. The United States Nuclear Regulatory Commission is the agency responsible for ensuring the safety of nuclear reactors, waste, materials, and security. It too sometimes falls prey to a will to preserve pride and face in front of Congress. In July 2011, George Mulley blew the whistle on the Nuclear Regulatory Commission for underreporting issues in the nuclear sectors. His actions show that whistleblowing can work, and that it is necessary for them to act. It is preposterous to assume that everything is perfect in the nuclear sector. It is out of the headlines, which are at the moment populated with horror stories out of the Middle East and West Africa, but remains an issue, and perhaps even more acute than the others, because it directly affects the lives of millions of American citizens. It is imperative for both American citizens and the legislative bodies in the states and in Congress to recognize the attention that needs to be paid to our nuclear sector. It is of the utmost importance for the people to come out and do what is right, because government agencies are

often awkward and immobile, while one person can do a lot to stop unsafe practices in one swoop. Even though the job of the whistleblower is unadmirable, it must be done to preserve the security of the country, especially when the sector involved is the nuclear sector. The whistleblowing also extends to nuclear weapons. Twenty thousand nuclear warheads exist on the planet today. The bulk of them are stored in silos around the United States and the states of the former Soviet Union. Many warheads were manufactured decades ago, and so were the places where they are stored. The technology keeping these warheads from going off is antiquated to the point of comedy, and the locations where they are stored are almost falling apart. The Air Force corpsmen tasked with the protection of the weapons are not only inept, but also insubordinate. Other issues such as a lack of interest in maintaining such a large arsenal and lack of discipline even in the higher echelons of the command also plague the nuclear weapons sector. America and the world needs ordinary people who work in these sectors to step up and reveal the wrongs in the industry so that they may be corrected. At the point where the nuclear power sectors and nuclear weapons facilities cannot self-regulate and the regulator established (NRC) has a conflict of interest when reporting the problems with the plants, the imperative moves to the employees, the people who are seeing the plants continue functioning well past their designed date of expiry and who are seeing them deteriorate day by day, to report them and make the issue of nuclear power safety a national issue. When we can get the general public involved in the issue of nuclear safety, then the world will be a safer place, and it will have been due to the man or woman who originally blew the whistle on the organization.

B. Meltdown leads to extinction

Wasserman 1- senior editor of the Free Press

(Harvey, America's Terrorist Nuclear Threat to Itself,
<https://www.nirs.org/reactorwatch/security/wassermannukesecurity.htm>) JB

The assault would not require a large jet. The safety systems are extremely complex and virtually indefensible. One or more could be wiped out with a wide range of easily deployed small aircraft, ground-based weapons, truck bombs or even chemical/biological assaults aimed at the operating work force. Dozens of US reactors have repeatedly failed even modest security tests over the years. Even heightened wartime standards cannot guarantee protection of the vast, supremely sensitive controls required for reactor safety. Without continuous monitoring and guaranteed water flow, the thousands of tons of radioactive rods in the cores and the thousands more stored in those fragile pools would rapidly melt into super-hot radioactive balls of lava that would burn into the ground and the water table and, ultimately, the Hudson. Indeed, a jetcrash like the one on 9/11 or other forms of terrorist assault at Indian Point could yield three infernal fireballs of molten radioactive lava burning through the earth and into the aquifer and the river. Striking water they would blast gigantic billows of horribly radioactive steam into the atmosphere. Prevailing winds from the north and west might initially drive these clouds of mass death downriver into New York City and east into Westchester and Long Island. But at Three Mile Island and Chernobyl, winds ultimately shifted around the compass to irradiate all surrounding areas with the devastating poisons released by the on-going fiery torrent. At Indian Point, thousands of square miles would have been saturated with the most lethal clouds ever created or imagined, depositing relentless genetic poisons that would kill forever. In nearby communities like Buchanan, Nyack, Monsey and scores more, infants and small children would quickly die en masse. Virtually all pregnant women would spontaneously abort, or ultimately give birth to horribly deformed offspring. Ghastly sores, rashes, ulcerations and burns would afflict the skin of millions. Emphysema, heart attacks, stroke, multiple organ failure, hair loss, nausea, inability to eat or drink or swallow, diarrhea and incontinence, sterility and impotence, asthma, blindness, and more would kill thousands on the spot, and doom hundreds of thousands if not millions. A terrible metallic taste would afflict virtually everyone downwind in New York, New Jersey and New England, a ghoulish curse similar to that endured by the fliers who dropped the atomic bombs on Hiroshima and Nagasaki, by those living downwind from nuclear bomb tests in the south seas and Nevada, and by victims caught in the downdrafts from Three Mile Island and Chernobyl. Then comes the abominable wave of cancers, leukemias, lymphomas, tumors and hellish diseases for which new names will have to be invented, and new dimensions of agony will beg description. Indeed, those who survived the initial wave of radiation would envy those who did not. Evacuation would be impossible, but thousands would die trying. Bridges and highways would become killing fields for those attempting to escape to destinations that would soon enough become equally deadly as the winds shifted. Attempts to quench the fires would be futile. At Chernobyl, pilots flying helicopters that dropped boron on the fiery core died in droves. At Indian Point, such missions would be a sure ticket to death. Their utility would be doubtful as the molten cores rage uncontrolled for days, weeks and years, spewing ever more devastation into the eco-sphere. More than 800,000 Soviet draftees were forced through Chernobyl's seething remains in a futile attempt to clean it up. They are dying in droves. Who would now volunteer for such an American task force? The radioactive cloud from Chernobyl blanketed the vast Ukraine

and Belarus landscape, then carried over Europe and into the jetstream, surging through the west coast of the United States within ten days, carrying across our northern tier, circling the globe, then coming back again. The radioactive clouds from Indian Point would enshroud New York, New Jersey, New England, and carry deep into the Atlantic and up into Canada and across to Europe and around the globe again and again. The immediate damage would render thousands of the world's most populous and expensive square miles permanently uninhabitable. All five boroughs of New York City would be an apocalyptic wasteland. The World Trade Center would be rendered as unusable and even more lethal by a jet crash at Indian Point than it was by the direct hits of 9/11. All real estate and economic value would be poisonously radioactive throughout the entire region. Irreplaceable trillions in human capital would be forever lost. As at Three Mile Island, where thousands of farm and wild animals died in heaps, and as at Chernobyl, where soil, water and plant life have been hopelessly irradiated, natural eco-systems on which human and all other life depends would be permanently and irrevocably destroyed, Spiritually, psychologically, financially, ecologically, our nation would never recover. This is what we missed by a mere forty miles near New York City on September 11. Now that we are at war, this is what could be happening as you read this. There are 103 of these potential Bombs of the Apocalypse now operating in the United States. They generate just 18% of America's electricity, just 8% of our total energy. As with reactors elsewhere, the two at Indian Point have both been off-line for long periods of time with no appreciable impact on life in New York. Already an extremely expensive source of electricity, the cost of attempting to defend these reactors will put nuclear energy even further off the competitive scale. Since its deregulation crisis, California--already the nation's second-most efficient state---cut further into its electric consumption by some 15%. Within a year the US could cheaply replace virtually with increased efficiency all the reactors now so much more expensive to operate and protect. Yet, as the bombs fall and the terror escalates, Congress is fast-tracking a form of legal immunity to protect the operators of reactors like Indian Point from liability in case of a meltdown or terrorist attack. Why is our nation handing its proclaimed enemies the weapons of our own mass destruction, and then shielding from liability the companies that insist on continuing to operate them? Do we take this war seriously? Are we committed to the survival of our nation? If so, the ticking reactor bombs that could obliterate the very core of our life and of all future generations must be shut down.

Uniq: Reactors at Risk – WB Key

Whistleblowing will continue to be necessary in the nuclear industry- history proves the NRC withholds critical information

Boardman 12- writer

(William, Whistleblower: Nuclear disaster in America Is more likely than the public understands, <http://healfukushima.org/2015/05/14/whistleblower-nuclear-disaster-in-america-is-more-likely-than-the-public-understands/>) JB

Key federal official warns that the public has been kept in the dark about safety risks. This article was published in partnership with GlobalPossibilities.org. The likelihood was very low that an earthquake followed by a tsunami would destroy all four nuclear reactors at the Fukushima nuclear power plant, but in March 2011, that's what happened, and the accident has yet to be contained. Similarly, the likelihood may be low that an upstream dam will fail, unleashing a flood that will turn any of 34 vulnerable nuclear plants into an American Fukushima. But knowing that unlikely events sometimes happen nevertheless, the nuclear industry continues to answer the question of how much safety is enough by seeking to suppress or minimize what the public knows about the danger. The Nuclear Regulatory Commission (NRC) has known at least since 1996 that flooding danger from upstream dam failure was a more serious threat than the agency would publicly admit. The NRC failed from 1996 until 2011 to assess the threat even internally. In July 2011, the NRC staff completed a report finding "that external flooding due to upstream dam failure poses a larger than expected risk to plants and public safety" [emphasis added] but the NRC did not make the 41-page report public. Instead, the agency made much of another report, issued July 12, 2011 – "Recommendations for Enhancing Reactor Safety in the 21st Century," sub-titled "The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident." Hardly four months since the continuing accident began in Japan, the premature report had little to say about reactor flooding as a result of upstream dam failure, although an NRC news release in March 2012 would try to suggest otherwise. Censored Report May Be Crime by NRC That 2012 news release accompanied a highly redacted version of the July 2011 report that had recommended a more formal investigation of the unexpectedly higher risks of upstream dam failure to nuclear plants and the public. In its release, the NRC said it had "started a formal evaluation of potential generic safety implications for dam failures upstream" including "the effects of upstream dam failure on independent spent fuel storage installations." Six months later, in September 2012, The NRC's effort at bland public relations went controversial, when the report's lead author made a criminal complaint to the NRC's Inspector General, alleging "Concealment of Significant Nuclear Safety Information by the U.S. Nuclear Regulatory Commission." In a letter dated September 14 and made public the same day, Richard Perkins, an engineer in the NRC's Division of Risk Analysis, wrote Inspector General Hubert Bell, describing it as "a violation of law" that the Commission: has intentionally mischaracterized relevant and noteworthy safety information as sensitive, security information in an effort to conceal the information from the public. This action occurred in anticipation of, in preparation for, and as part of the NRC's response to a Freedom of Information Act request for information concerning the generic issue investigation on Flooding of U.S. Nuclear Power Plants Following Upstream Dam Failure.... Portions of the publically released version of this report are redacted citing security sensitivities, however, the redacted information is of a general descriptive nature or is strictly relevant to the safety of U.S. nuclear power plants, plant personnel, and members of the public. The Nuclear Regulatory Commission staff has engaged in an effort to mischaracterize the information as security sensitive in order to justify withholding it from public release using certain exemptions specified in the Freedom of Information Act. ... The Nuclear Regulatory Commission staff may be motivated to prevent the disclosure of this safety information to the public because it will embarrass the agency. The redacted information includes discussion of, and excerpts from, NRC official agency records that show the NRC has been in possession of relevant, notable, and derogatory safety information for an extended period but failed to properly act on it. Concurrently, the NRC concealed the information from the public. The Inspector General has not yet acted on the complaint. Most Media Ignore Nuclear Safety Risks Huffington Post picked up the story immediately as did the Union of Concerned Scientists and a number of online news sites. The mainstream media showed little or no interest in a story about yet another example of the NRC lying to the public about the safety of nuclear power plants. An NRC spokesman suggested to HuffPo that the report's redactions were at least partly at the behest of Homeland Security. A second NRC risk engineer, who requested anonymity, said that Homeland Security had signed off on the report with no redactions. As HuffPo noted: If this were truly such a security concern, however, it would be incumbent on the agency to act swiftly to eliminate that threat, the engineer stated. As it is, the engineer suggested, no increased security actions have been undertaken. This same engineer expressed serious misgivings, shared by others in and out of the NRC, that a nuclear power plant in Greenville, South Carolina, has been at risk from upstream dam failure for years, that the NRC has been aware of the risk, and that the NRC has done nothing to mitigate the risk. In the redacted report, the NRC blacked out passages about this plant.

Whistleblowing will continue to be critical in the NRC- or else the US will have a dozen Fukushimas

Goodell 11- contributor

(Jeff, America's Nuclear Nightmare, Rolling Stones, <http://www.rollingstone.com/politics/news/america-s-nuclear-nightmare-20110427>) JB

Five days after a massive earthquake and tsunami struck Japan, triggering the worst nuclear disaster since Chernobyl, America's leading nuclear regulator came before Congress bearing good news: Don't worry, it can't happen here. In the aftermath of the Japanese catastrophe, officials in Germany moved swiftly to shut down old plants for inspection, and China put licensing of new plants on hold. But Gregory Jaczko, the chairman of the Nuclear Regulatory Commission, reassured lawmakers that nothing at the Fukushima Daiichi reactors warranted any immediate changes at U.S. nuclear plants. Indeed, 10 days after the earthquake in Japan, the NRC extended the license of the 40-year-old Vermont Yankee nuclear reactor — a virtual twin of Fukushima — for another two decades. The license renewal was granted even though the reactor's cooling tower had literally fallen down, and the plant had repeatedly leaked radioactive fluid. Perhaps Jaczko was simply trying to prevent a full-scale panic about the dangers of U.S. nuclear plants. After all, there are now 104 reactors scattered across the country, generating 20 percent of America's power. All of them were designed in the 1960s and '70s, and are nearing the end of their planned life expectancy. But there was one problem with Jaczko's testimony, according to Dave Lochbaum, a senior adviser at the Union of Concerned Scientists: Key elements of what the NRC chief told Congress were "a baldfaced lie." Lochbaum, a nuclear engineer, says that Jaczko knows full well that what the NRC calls "defense in depth" at U.S. reactors has been seriously compromised over the years. In some places, highly radioactive spent fuel is stockpiled in what amounts to swimming pools located beside reactors. In other places, changes in the cooling systems at reactors have made them more vulnerable to a core meltdown if something goes wrong. A few weeks before Fukushima, Lochbaum authored a widely circulated report that underscored the NRC's haphazard performance, describing 14 serious "near-miss" events at nuclear plants last year alone. At the Indian Point reactor just north of New York City, federal inspectors discovered a water-containment system that had been leaking for 16 years. As head of the NRC, Jaczko is the top cop on the nuclear beat, the guy charged with keeping the nation's fleet of aging nukes running safely. A balding, 40-year-old Democrat with big ears and the air of a brilliant high school physics teacher, Jaczko oversees a 4,000-person agency with a budget of \$1 billion. But the NRC has long served as little more than a lap dog to the nuclear industry, unwilling to crack down on unsafe reactors. "The agency is a wholly owned subsidiary of the nuclear power industry," says Victor Gilinsky, who served on the commission during the Three Mile Island meltdown in 1979. Even President Obama denounced the NRC during the 2008 campaign, calling it a "moribund agency that needs to be revamped and has become captive of the industries that it regulates." In the years ahead, nuclear experts warn, the consequences of the agency's inaction could be dire. "The NRC has consistently put industry profits above public safety," says Arnie Gunderson, a former nuclear executive turned whistle-blower. "Consequently, we have a dozen Fukushimas waiting to happen in America."

Recent whistleblowing shows whistleblowing will continue to be critical- NRC withholding information proves

RT 12

(RT, Feds covering security flaws with Fukushima-like potential, nuclear whistleblowers claim, <http://rt.com/usa/nuclear-power-nrc-criscione-270/>) JB

Two nuclear power whistleblowers have publicly accused the Nuclear Regulatory Commission of taking steps to cover up dangerous shortcomings at American power plants, including severe flood risks facing nuclear power plants downstream from large dams. Richard H. Perkins and Larry Criscione both have a government and military experience and recently worked at the NRC, which was created to oversee reactor safety and security. Compromising their jobs for the sake of speaking out, the men have publicized the severity of the flood risks facing a number of nuclear power plants using a number of documents obtained by the Huffington Post. "When you're working with sensitive information, you just don't talk about it, so what I'm doing I find to be both perverse and uncomfortable," Perkins told the Huffington Post. "But I had to do it." After realizing that some details regarding the dangerous flood threat were withheld for years at the expense of public security, Perkins and Criscione felt the need to tell someone. If a nuclear power plant floods past the level the facility is built to withstand, power to the plant from a grid connection or back-up diesel generator could be lost, causing an inability to circulate water to keep the reactor core or the spent fuel pool cool. If the plant cannot be kept cool, a catastrophic disaster similar to the failure at Japan's Fukushima Daiichi plant could occur. "If we believe there is a security vulnerability, we need to take measures to address it and not merely withhold it from public discussion," Criscione said. When Perkins in 2010 was assigned to review the dam-flood threat at nuclear power plants across the US, the NRC censored his analysis to exclude certain information. When an edited version of the report was completed and shared among NRC employees in June, 2011, large parts of the document were blacked out. NRC officials claim they sometimes withhold information to promote safety – to keep the information from falling into the hands of terrorists, for example. "But the redactions by the NRC did not promote safety in any of these ways. The actions have, in fact, allowed a very dangerous scenario to continue unaddressed for years," Perkins said.

Whistleblowers will continue to be necessary- we need to make sure the NRC is fulfilling their obligations

Sullivan and Hickey 11- writer and journalist

(John, Cameron, Whistleblowers Say Nuclear Regulatory Commission Watchdog Is Losing Its Bite, Propublica, <http://www.propublica.org/article/whistleblowers-say-nuclear-regulatory-commission-watchdog-is-losing-its-bar>) JB

When he retired after 26 years as an investigator with the Nuclear Regulatory Commission's Office of the Inspector General, George Mulley thought his final report was one of his best. Mulley had spent months looking into why a pipe carrying cooling water at the Byron nuclear plant in Illinois had rusted so badly that it burst. His report cited lapses by a parade of NRC inspectors over six years and systemic weaknesses in the way the NRC monitors corrosion. But rather than accept Mulley's findings, the inspector general's office rewrote them. The revised report shifted much of the blame to the plant's owner, Exelon, instead of NRC procedures. And instead of designating it a public report and delivering it to Congress, as is the norm, the office put it off-limits. A reporter obtained it only after filing a Freedom of Information Act request. The Fukushima nuclear disaster in Japan has thrust the NRC's role as industry overseer squarely in the spotlight, but another critical player in U.S. nuclear safety is the NRC's Office of the Inspector General, an independent agency that serves as watchdog to the watchdog. Now, Mulley and one other former OIG employee have come forth with allegations that the inspector general's office buried the critical Byron report and dropped an investigation into whether the NRC is relying on outdated methods to predict damage from an aircraft crashing into a plant. The inspector general's office, they assert, has shied away from challenging the NRC at exactly the wrong time, with many of the country's 104 nuclear power plants aging beyond their 40-year design life and with reactor meltdowns at Fukushima rewriting the definition of a catastrophic accident. "We're in the nuclear power business. It's not a trivial business; it's public health and safety," said Mulley, who won the agency's top awards and reviewed nearly every major investigation the office conducted before he retired as the chief

investigator three years ago. **"We have to have somebody that's going to look over the NRC's shoulder and make sure they were fulfilling their obligations,"** he said.

WB Key: NRC/Nuclear

Whistleblowers are uniquely key in the NRC- without them the NRC will withhold critical information

Zeller 12- reporter and writer for Huffington Post

(Tom, Flood Threat To Nuclear Plants Covered Up By Regulators, NRC Whistleblower Claims, Huffington Post, http://www.huffingtonpost.com/2012/09/14/flood-threat-nuclear-plants-nrc_n_1885598.html) JB

In a letter submitted Friday afternoon to internal investigators at the Nuclear Regulatory Commission, a whistleblower engineer within the agency accused regulators of deliberately covering up information relating to the vulnerability of U.S. nuclear power facilities that sit downstream from large dams and reservoirs. The letter also accuses the agency of failing to act to correct these vulnerabilities despite being aware of the risks for years. These charges were echoed in separate conversations with another risk engineer inside the agency who suggested that the vulnerability at one plant in particular -- the three-reactor Oconee Nuclear Station near Seneca, S.C. -- put it at risk of a flood and subsequent systems failure, should an upstream dam completely fail, that would be similar to the tsunami that hobbled the Fukushima Daiichi nuclear facility in Japan last year. That event caused multiple reactor meltdowns. In the letter, a copy of which was obtained by The Huffington Post, Richard H. Perkins, a reliability and risk engineer with the agency's division of risk analysis, alleged that NRC officials falsely invoked security concerns in redacting large portions of a report detailing the agency's preliminary investigation into the potential for dangerous and damaging flooding at U.S. nuclear power plants due to upstream dam failure. Perkins, along with at least one other employee inside NRC, also an engineer, suggested that the real motive for redacting certain information was to prevent the public from learning the full extent of these vulnerabilities, and to obscure just how much the NRC has known about the problem, and for how long. "What I've seen," Perkins said in a phone call, "is that the NRC is really struggling to come up with logic that allows this information to be withheld."

Previous whistleblowing in the nuclear industry shows that whistleblowing does have an impact

Gucciardi 14- investigative journalist

(Anthony, EXPERTS WARN OF 'AMERICAN FUKUSHIMA' IN CALIFORNIA UNLESS IMMEDIATE ACTION IS TAKEN, http://www.thedailysheep.com/experts-warn-of-american-fukushima-in-california-unless-immediate-action-is-taken_092014) JB

And top level nuclear experts, including a senior federal nuclear inspector turned whistleblower, are warning that the California-based plant is a sitting radioactive duck amid the nearby faults that have actually been found to be more dangerous than previously thought. Back in 2008, a new fault known as the Shoreline fault was discovered just offshore from the Diablo Canyon nuclear facility: a discovery that truly changes everything about the 'safety' of the California plant. The whistleblower and former federal inspector of the plant, Michael Peck, has even presented his case highlighting the serious hazards of the plant he used to oversee to the U.S. Nuclear Regulatory Commission in a highly confidential report.

National organizations are already calling attention to Peck's finding and reports, with senior strategist Damon Moglen of Friends of the Earth International stating: "We agree with him that Diablo Canyon is vulnerable to earthquakes and must be shut down immediately. Rather than the NRC keeping this a secret, there must be a thorough investigation with public hearings to determine whether these reactors can operate safely."

Impacts: Meltdowns Bad

Extinction

Lendman 11 – Research Associate of the Centre for Research on Globalization (Stephen, 03/ 13, “Nuclear Meltdown in Japan,” <http://www.thepeoplesvoice.org/TPV3/Voices.php/2011/03/13/nuclear-meltdown-in-japan>)

Reuters said the 1995 Kobe quake caused \$100 billion in damage, up to then the most costly ever natural disaster. This time, from quake and tsunami damage alone, that figure will be dwarfed. Moreover, under a worst case core meltdown, all bets are off as the entire region and beyond will be threatened with permanent contamination, making the most affected areas unsafe to live in. On March 12, Stratfor Global Intelligence issued a "Red Alert: Nuclear Meltdown at Quake-Damaged Japanese Plant," saying: Fukushima Daiichi "nuclear power plant in Okuma, Japan, appears to have caused a reactor meltdown." Stratfor downplayed its seriousness, adding that such an event "does not necessarily mean a nuclear disaster," that already may have happened - the ultimate nightmare short of nuclear winter. According to Stratfor, "(A)s long as the reactor core, which is specifically designed to contain high levels of heat, pressure and radiation, remains intact, the melted fuel can be dealt with. If the (core's) breached but the containment facility built around (it) remains intact, the melted fuel can be...entombed within specialized concrete" as at Chernobyl in 1986. In fact, that disaster killed nearly one million people worldwide from nuclear radiation exposure. In their book titled, "Chernobyl: Consequences of the Catastrophe for People and the Environment," Alexey Yablokov, Vassily Nesterenko and Alexey Nesterenko said: "For the past 23 years, it has been clear that there is a danger greater than nuclear weapons concealed within nuclear power. Emissions from one reactor exceeded a hundred-fold the radioactive contamination of the bombs dropped on Hiroshima and Nagasaki." "No citizen of any country can be assured that he or she can be protected from radioactive contamination. One nuclear reactor can pollute half the globe. Chernobyl fallout covers the entire Northern Hemisphere." Stratfor explained that if Fukushima's floor cracked, "it is highly likely that the melting fuel will burn through (its) containment system and enter the ground. This has never happened before," at least not reported. If now occurring, "containment goes from being merely dangerous, time consuming and expensive to nearly impossible," making the quake, aftershocks, and tsunamis seem mild by comparison. Potentially, millions of lives will be jeopardized. Japanese officials said Fukushima's reactor container wasn't breached. Stratfor and others said it was, making the potential calamity far worse than reported. Japan's Nuclear and Industrial Safety Agency (NISA) said the explosion at Fukushima's Saichi No. 1 facility could only have been caused by a core meltdown. In fact, 3 or more reactors are affected or at risk. Events are fluid and developing, but remain very serious. The possibility of an extreme catastrophe can't be discounted. Moreover, independent nuclear safety analyst John Large told Al Jazeera that by venting radioactive steam from the inner reactor to the outer dome, a reaction may have occurred, causing the explosion. "When I look at the size of the explosion," he said, "it is my opinion that there could be a very large leak (because) fuel continues to generate heat." Already, Fukushima way exceeds Three Mile Island that experienced a partial core meltdown in Unit 2. Finally it was brought under control, but coverup and denial concealed full details until much later. According to anti-nuclear activist Harvey Wasserman, Japan's quake fallout may cause nuclear disaster, saying: "This is a very serious situation. If the cooling system fails (apparently it has at two or more plants), the super-heated radioactive fuel rods will melt, and (if so) you could conceivably have an explosion," that, in fact, occurred. As a result, massive radiation releases may follow, impacting the entire region. It could be, literally, an apocalyptic event.

---Food Impacts

WB Add-on: Food

A. Whistleblowers are necessary to protect people from the faults in our food system

Lovera 11- Assistant Director of Food & Water Watch, a national nonprofit advocacy organization

(Patty, Why We Need Whistleblowers to Keep Our Food Safe, food and Water Watch,

<http://www.foodandwaterwatch.org/blogs/why-we-need-whistleblowers-to-keep-our-food-safe/>) JB

This conference was particularly well-timed since the Food Safety Modernization Act (FSMA) that President Obama signed into law in January establishes for the first time private sector whistleblower protections specifically for the food industry. This is great news for consumers – giving food industry whistleblowers legal protection to speak out against potential problems can help make our entire food chain safer. Hearing the stories of whistleblowers whose lives were torn apart because they spoke out to protect consumers' safety was extremely powerful. People like Kit Foshee, the former corporate quality assurance manager at Beef Products, Inc. (BPI) who openly questioned BPI's practice of using ammonia to "cleanse" microbes from beef trim, and Former Peanut Corporation of America (PCA) assistant plant manager Kenneth Kendrick, who repeatedly reported to the Texas Department of Health incidences of rat infestation at his plant, put their necks on the line because it was the right thing to do for public health. Hopefully these new whistleblower protections will encourage more workers to speak up if they witness something going wrong. I participated in the first panel discussion of the day, A Century in Food: Evolving trends affecting the U.S. food supply with American University Law Professor Lewis Grossman, Caroline Smith DeWaal from the Center for Science in the Public Interest, lawyer and author Michele Simon and moderated by GAP Executive Director Mark Cohen. As the title suggests, we had the assignment of giving the big picture view of how the American food system has evolved over time; how our government has (and hasn't) kept up with those changes, and the impacts of globalization and industrialization on the safety and quality of our food supply. One of the primary issues that percolated throughout the conversation is that the FDA is light years behind on being able to deal with safety issues in our current food system, which is why the FSMA was so desperately needed. And although it is now law, there is a massive amount of work that needs to be done to put the law into practice. Without agency rules to put into effect or funding to hire new inspectors, the law won't make the changes we need. Just as prominent in the conversation was the fundamental root cause of our food safety problems – the consolidation at every step of the food chain that has changed the way we produce, process, distribute and sell food and has created a powerful lobby in D.C. that makes changing policy way too difficult. Like any good discussion of big picture food trends, two popular topics came up – Walmart and climate change. On the Walmart front we talked about the role Walmart and other mammoth industrial players played in creating lots of food system problems and our skepticism that these entities who have caused the problems can effectively create their own "solutions" and standards. This must be the role of government – to establish and enforce functional standards that protect citizens. On climate change, the discussion ranged from the very specific issues it will cause for food safety – new emerging pathogens driven by a changing environment – to sweeping disruption to agriculture as a whole and how our very consolidated industrialized system is not equipped to adapt well to such disruption. Tony participated in the last panel of the day, Are We There Yet?: Next steps for improving whistleblower and food safety about where we go from here. While the passage of the FSMA whistleblower provision is a strong first step, panelists provided their expert views on how whistleblower rights should be implemented and improved, particularly for migrant workers and government food safety employees. Tony illustrated the importance of whistleblowers by telling the stories of USDA meat inspectors who have blown the whistle to expose very serious problems with how meat inspection was being run by USDA management. Safeguarding private sector whistleblowers is a key piece of what needs to change in our food system, but it's only part of the equation. Government whistleblowers too should have the same protections, if not more since they are directly charged with protecting the public. This conference was a good first step in that direction.

Lugar, 4

(Richard, U.S. Senator <http://www.unep.org/OurPlanet/imgversn/143/lugar.html//um-ef>)

In a world confronted by global terrorism, turmoil in the Middle East, burgeoning nuclear threats and other crises, it is easy to lose sight of the long-range challenges. But we do

so at our peril. One of **the most daunting** of them **is** meeting the world's need for **food** and energy in this century. At stake is not only preventing starvation and saving the environment, but also **world peace and security.** History tells us that **states** may **go to war over** access to **resources** and that poverty and famine have often bred fanaticism and terrorism. **Working to feed the world will minimize** factors that contribute to global **instability** and **the proliferation** of weapons of **mass** destruction. With the world population expected to grow from 6 billion people today to 9 billion by mid-century, **the demand for affordable food will increase well beyond current international production levels.** People in rapidly **developing nations will** have the means greatly to improve their standard of living and caloric intake. Inevitably, that means eating more meat. This will **raise demand for feed grain** at the same time that the growing world population will need vastly more basic food to eat. Complicating a solution to this problem is a dynamic that must be better understood in the West: **developing countries often use limited arable land to expand cities to house their growing populations.** As good land disappears, people destroy timber resources and even rainforests as they try to create more arable land to feed themselves. The long-term environmental consequences could be disastrous for the entire globe. Productivity revolution **To meet the expected demand for food over the next 50 years**, we in **the U**_{nited} **S**_{tates} **will have to grow** roughly **three times more food** on the land we have. That's a tall order. My farm in Marion County, Indiana, for example, yields on average 8.3 to 8.6 tonnes of corn per hectare – typical for a farm in central Indiana. To triple our production by 2050, we will have to produce an annual average of 25 tonnes per hectare. Can we possibly boost output that much? Well, it's been done before. Advances in the use of fertilizer and water, improved machinery and better tilling techniques combined to generate a threefold increase in yields since 1935 – on our farm back then, my dad produced 2.8 to 3 tonnes per hectare. Much US agriculture has seen similar increases. But of course **there is no guarantee that we can achieve those results again.** Given the urgency of **expanding food production to meet world demand**, we must invest much more in scientific research and target that money toward projects that promise to have significant national and global impact. For the United States, that will mean a major shift in the way we conduct and fund agricultural science. Fundamental research will generate the innovations that will be necessary to feed the world. **The U**_{nited} **S**_{tates} **can take a leading position in a productivity revolution.** And **our success at increasing food production may play a decisive humanitarian role in the survival of billions of people and the health of our planet.**

Impacts: Food Insecurity

That risks nuclear world war 3

FDI 12, Future Directions International, a Research institute providing strategic analysis of Australia's global interests; citing Lindsay Falvey, PhD in Agricultural Science and former Professor at the University of Melbourne's Institute of Land and Environment, "Food and Water Insecurity: International Conflict Triggers & Potential Conflict Points," <http://www.futuredirections.org.au/workshop-papers/537-international-conflict-triggers-and-potential-conflict-points-resulting-from-food-and-water-insecurity.html>

There is a **growing appreciation** that the **conflicts in the next century will most likely be fought over a lack of resources**. Yet, in a sense, this is not new. **Researchers point to the French and Russian revolutions as induced by a lack of food**. More recently, **Germany's World War Two efforts are said to have been inspired by its perceived need to gain access to more food**. Yet the general sense among those that attended FDI's recent workshops, was that **the scale of the problem in the future could be significantly greater** as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, *Small Farmers Secure Food*, **Lindsay Falvey**, a participant in FDI's March 2012 workshop on the issue of food and conflict, clearly **expresses the problem** and why countries across the globe are starting to take note. He writes (p.36), "**if people are hungry, especially in cities, the state is not stable** – riots, violence, breakdown of law and order and migration result." "Hunger feeds anarchy." This view is also shared by **Julian Cribb**, who in his book, *The Coming Famine*, **writes that if "large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow."** He continues: "**An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts**." He also says: "The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources." As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. **A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars**. Governments, especially in developed countries, are increasingly aware of this phenomenon. **The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war**.

WB Good: Food Safety

Whistleblowers are key to protect people from the faults in our food system

Lovera 11- Assistant Director of Food & Water Watch, a national nonprofit advocacy organization

(Patty, Why We Need Whistleblowers to Keep Our Food Safe, food and Water Watch,
<http://www.foodandwaterwatch.org/blogs/why-we-need-whistleblowers-to-keep-our-food-safe/>) JB

One of the primary issues that percolated throughout the conversation is that the FDA is light years behind on being able to deal with safety issues in our current food system, which is why the FSMA was so desperately needed. And although it is now law, there is a massive amount of work that needs to be done to put the law into practice. Without agency rules to put into effect or funding to hire new inspectors, the law won't make the changes we need. Just as prominent in the conversation was the fundamental root cause of our food safety problems – the consolidation at every step of the food chain that has changed the way we produce, process, distribute and sell food and has created a powerful lobby in D.C. that makes changing policy way too difficult. Like any good discussion of big picture food trends, two popular topics came up – Walmart and climate change. On the Walmart front we talked about the role Walmart and other mammoth industrial players played in creating lots of food system problems and our skepticism that these entities who have caused the problems can effectively create their own “solutions” and standards. This must be the role of government – to establish and enforce functional standards that protect citizens. On climate change, the discussion ranged from the very specific issues it will cause for food safety – new emerging pathogens driven by a changing environment – to sweeping disruption to agriculture as a whole and how our very consolidated industrialized system is not equipped to adapt well to such disruption. Tony participated in the last panel of the day, Are We There Yet?: Next steps for improving whistleblower and food safety about where we go from here. While the passage of the FSMA whistleblower provision is a strong first step, panelists provided their expert views on how whistleblower rights should be implemented and improved, particularly for migrant workers and government food safety employees. Tony illustrated the importance of whistleblowers by telling the stories of USDA meat inspectors who have blown the whistle to expose very serious problems with how meat inspection was being run by USDA management. Safeguarding private sector whistleblowers is a key piece of what needs to change in our food system, but it's only part of the equation. Government whistleblowers too should have the same protections, if not more since they are directly charged with protecting the public. This conference was a good first step in that direction.

Impacts: Food Safety k Food Security

Food safety is necessary for food security

Zuraw 15- journalist

(Lydia, WHO Uses World Health Day to Shine Light on Food Safety, <http://www.foodsafetynews.com/2015/04/who-uses-world-health-day-to-shine-a-light-on-food-safety/#.VaQdMZ3F98E>) JB

Food safety is so important to everyone around the world that the World Health Organization (WHO) dedicated this year's World Health Day — celebrated each year on April 7 — to spreading awareness of it. As readers of Food Safety News know, food contaminated with harmful bacteria, viruses, parasites or chemical substances can lead to long-lasting disability and death. Foodborne and waterborne diarrheal diseases kill an estimated 2 million people annually, including many children and particularly in developing countries. WHO says that World Health Day 2015 is a chance to recognize the food safety role of all those involved in food production and to strengthen collaboration and coordination among these areas in order to prevent, detect and respond to foodborne diseases efficiently. The actual levels of foodborne diseases are estimated to be much higher than what gets reported, underlying the need for improved collaboration to lower risks. According to WHO, food safety is distinct from, but a prerequisite for, food security.

Food safety is a pre-requisite to food security

Evans 15- Head of the Global Food Safety Partnership Secretariat

(Amy, Why we're standing for food safety on World Health Day, <http://blogs.worldbank.org/voices/why-we-re-standing-food-safety-world-health-d>) JB

Unsafe food containing harmful bacteria, viruses, parasites or chemical substances is the root cause of more than 200 diseases, ranging from diarrhea to cancers. Foodborne and waterborne diseases kill an estimated 1.5 million people annually, including many children under the age of 5. Yet food safety is often neglected to the point that food security and food safety are sometimes perceived to be at odds with one another. And nothing could be farther from the truth, because having access to safe food is a prerequisite for food security. What is the point of having a full stomach if you get sick afterwards—sometimes even fatally—especially if it was preventable in the first place?

Food insecurity leads to violence

Brinkman and Hendrix 11— Brinkman is a Chief, Policy, Planning and Application in the Peacebuilding Support Office of the United Nations. Hendrix is an Assistant Professor

(Henk-Jan, Cullen, Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges, <http://ucanr.edu/blogs/food2025/blogfiles/14415.pdf>) JB

Rising food prices contribute to food insecurity, which is a clear and serious threat to human security. Interest in food security as a catalyst for political instability and conflict has grown rapidly since 2007–2008, when food protests and riots broke out in 48 countries as a result of record world prices. In February 2011, the food price index of the Food and

Agriculture Organization of the United Nations (FAO) reached a new historic peak, and the rise in food prices contributed to the wave of protests across North Africa and the Middle East that toppled Tunisian president Zine El Abidine Ben Ali and Egyptian president Hosni Mubarak. Among major development organizations, the unchallenged consensus is that war and conflict are development issues: conflict ravages local economies, often leading to forced migration, refugee populations, disease, a collapse of social trust, and acute food insecurity. But is food insecurity itself a cause of conflict? Based on a review of recent research, the answer is a highly qualified yes. Food insecurity, especially when caused by higher food prices, **heightens the risk of democratic breakdown, civil conflict, protest, rioting, and communal conflict**. The evidence linking food insecurity to interstate conflict is less strong, though there is some historical evidence linking declining agricultural yields to periods of regional conflict in Europe and Asia.

Impacts: Agro Terror

Increased government food safety efforts solves agroterror

WHO 8

“Terrorist Threats to Food Guidance for Establishing and Strengthening Prevention and Response Systems”
Department of Food Safety, Zoonoses and Foodborne Disease Cluster on Health Security and Environment
World Health Organization May 2008 <http://www.who.int/foodsafety/publications/general/en/terrorist.pdf>)

The key to preventing food terrorism is enhancing existing food safety programmes and implementing reasonable security measures on the basis of vulnerability assessments. The deliberate introduction of hazardous agents into food during production, processing, distribution or preparation of food may be a relatively new consideration for industries and governments. As many production methods and food safety programmes are proprietary, the food industry should assume the responsibility for reducing the likelihood of deliberate contamination of food, from the raw materials to product distribution. Governments should support industry in strengthening existing food safety management systems to include consideration of deliberate contamination. Governments also have a role in promoting preventive food safety through established voluntary and regulatory mechanisms. 25

Internals: FDA k Food

And, FDA is key to Food safety

Levy 10

(Alison, "Will the Food Safety Bill Make Food Safe?" 9/27/10 http://www.huffingtonpost.com/alison-rose-levy/will-the-food-safety-bill_b_740312.html?ir=Food)

Additional confusion about the bill stems in part from the different ways different people understand the word "safety." To some, "safety" means safer food cultivation practices that are likely to create healthier fruits, vegetables and animals. To others, "safety" means more antibiotics, more food irradiation and more "controllable" food. In the latter approach to safety, which focuses on the presence of micro-organisms, a vegetable that has been boiled at high heat and vacuum packed in a can is inherently "safer" than a raw vegetable. As such, in its focus on safety, the FDA's stated aim will be to enforce labeling, tracking and monitoring practices not safer growing practices. In addition, S510 aims to coordinate with Homeland Security to decrease any perceived risks of terrorism impacting the U.S. food supply.

---Other Whistleblower Impacts

WB Good: Corruption

Whistleblowers are necessary to fight corruption- without them there wouldn't be a case

Kohn 14- Executive Director of the National Whistleblowers Center

(Stephen, Saving America's 'Most Important Tool to Uncover and Punish Fraud, NWC, <http://www.whistleblowers.org/storage/whistleblowers/RebuttalDocs/final%20fca%20report.pdf>) JB

The Committee endorsed the findings reported by Pamela Bucy, a Bainbridge Professor of Law at the University of Alabama School of Law: “Complex economic wrongdoing cannot be detected or deterred effectively without the help of those who are intimately familiar with it. Law enforcement will always be outsiders to organizations where fraud is occurring. They will not find out about such fraud until it is too late, if at all. When law enforcement does find out about such fraud, it is very labor intensive to investigate.” Michael Hertz, Deputy Assistant Attorney General, Civil Division, of the Department of Justice, also testified at the hearing.: “Whistleblowers are essential to our operation. Without them, we wouldn't have cases.” Mr. Hertz confirmed that the publicity surrounding FCA payouts greatly contributes toward the government's enforcement efforts, and a significant deterrent effect on those who may otherwise engage in fraud: “In the wake of well-publicized recoveries attributable to the qui tam cases, those who might otherwise submit false claims to the Federal Government are more aware than ever of the ‘watchdog’ effect of the qui tam statute. We have no doubt that the Act has had the salutary effect of deterring fraudulent conduct.”

Whistleblowers are necessary- key to fight corruption

Saleem 14- writer

(Sana, Why the world needs more whistleblowers, Courage Found, <https://couragefound.org/2014/09/why-the-world-needs-more-whistleblowers/>) JB

Too often, whistleblowers aren't valued for the reforms they instigate. Even as government worldwide are considering new ways to limit mass surveillance, there is scant discussion about the need to honor and protect whistleblowers. **The world needs more whistleblowers** because those in positions of power are often expert at hiding corruption from the public. People with integrity and a desire for truth and justice within the political system are often our best hope for bringing light to this corruption. But as much of the world's press extensively reports on Wikileaks and the Snowden revelations, we must not dismiss the trepidation that comes with reporting the truth and exposing misuse of power. This trepidation will not dissipate unless there is a collective effort to protect and defend whistleblowers, and reform laws that allow for prosecuting them. There's also the pressing need to keep using the information provided by whistleblowers to push for necessary reforms and protections. Today is Day 4 of the Electronic Frontier Foundation (EFF) 'Necessary and Proportionate' week of action. The EFF is calling on governments to ensure surveillance law reform is guided by key principles. Today we focus on principle 4: the 'Integrity of Communications and Systems, Safeguards Against Illegitimate Access, Protection on Whistleblowers, and Right to An Effective Remedy'.

Whistleblowers are Achilles heel of corruption

Devine 02- legal director of the Government Accountability Project

(Tom, Testimony of Mr. Tom Devine,

http://www.judiciary.senate.gov/imo/media/doc/devine_testimony_07_10_02.pdf) JB

Whistleblowers are the Achilles heel of bureaucratic corruption. As eyewitnesses to the birth of scandals, they are indispensable to bridge the secrecy gap. Their free speech right goes beyond the freedom to protest misconduct. It also includes the freedom to warn. In the Netherlands, these same individuals are called "bell ringers," after those who warn their communities of danger. Other nations refer to whistleblowers as "lighthouse keepers," after those who save ships from sinking by shining the light on areas where rocks are both invisible and deadly. **The common theme is that they warn about threats to the public's well-being, before avoidable crimes or disasters occur and we are limited to damage control.** **They are the living disclosure statements who refuse to be falsified.**

Whistleblowers are invaluable in exposing corruption

Transparency International 10

(Transparency International, WHISTLEBLOWING,

<https://www.transparency.org/topic/detail/whistleblowing/>) JB

Corruption often goes unchallenged when people do not speak out about it. Witness accounts offer invaluable insights into corruption, and are powerful tools in the fight against it. From exposing multi-million dollar financial scams to dangerous medical practices, whistleblowers play a crucial role in saving resources and even lives. But in some countries, blowing the whistle can carry high personal risk – particularly when there is little legal protection against dismissal, humiliation or even physical abuse. Controls on information, libel and defamation laws, and inadequate investigation of whistleblowers' claims can all deter people from speaking out. Whistleblowers are less likely to report workplace misconduct when their employers do not provide clear internal reporting channels. And in some settings, whistleblowing carries connotations of betrayal rather than being seen as a benefit to the public. Ultimately, societies, institutions and citizens lose out when there is no one willing to cry foul in the face of corruption. **Whistleblowers are invaluable in exposing corruption, fraud and mismanagement.** **Early disclosure of wrongdoing or the risk of wrongdoing can protect human rights, help to save lives and preserve the rule of law.** Safeguards also protect and encourage people willing to take the risk of speaking out about corruption. We must push countries to introduce comprehensive whistleblower legislation to protect those that speak out and ensure that their claims are properly investigated. Companies, public bodies and non-profit organisations should introduce mechanisms for internal reporting. And workplace reprisals against whistleblowers should be seen as another form of corruption.

WB Good: Govt Acct

Whistleblowers are the best way to check the government and business

Michaels 14- PHD, Mph Assistant Secretary Occupational Safety And Health Administration U.S. Department Of Labor

(David, Testimony Of David Michaels, Phd, Mph Assistant Secretary Occupational Safety And Health Administration U.S. Department Of Labor Before The Subcommittee On Employment And Workplace Safety Committee On Health, Education, Labor And Pensions, Osha,

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=TESTIMONIES&p_id=1602) JB

In passing the Occupational Safety and Health Act of 1970 (OSH Act), Congress understood that workers play a crucial role in ensuring that their workplaces are safe, but also recognized that employees would be unlikely to participate in safety or health activities, or to report a hazardous condition to their employer or OSHA, if they feared their employer would fire them or otherwise retaliate against them. For that reason, section 11(c) of the OSH Act prohibits discrimination of employees for exercising their rights under the law. In the decades since the passage of the OSH Act, Congress has enacted a number of other statutes which also contain whistleblower provisions, acknowledging that workers are this Nation's eyes and ears, identifying and helping to control not only hazards facing workers at jobsites, but also practices that endanger the public's health, safety, or well-being and the fair and effective functioning of our government. Whistleblowers serve as a check on the government and business, shining a light on illegal, unethical, or dangerous practices that otherwise may go uncorrected. Whether the safety of our food, environment, or workplaces; the integrity of our financial system; or the security of our transportation systems, whistleblowers help to ensure that our laws are fairly executed.

war on whistleblowers tanks FG accountability – Obama proves

Free Chelsea Manning 2013,

(organization to protect WikiLeaks whistleblower “Update 10/10/13: War on whistleblowers has chilling effect on gov’t accountability”)

Government employees witnessing corruption and wrongdoing do not have the proper outlets to expose wrongdoing, and are intimidated against doing so: “Those suspected of discussing with reporters anything that the government has classified as secret are subject to investigation, including lie-detector tests and scrutiny of their telephone and e-mail records. An ‘Insider Threat Program’ being implemented in every government department requires all federal employees to help prevent unauthorized disclosures of information by monitoring the behavior of their colleagues.” The crackdown on transparency and on exposing wrongdoing in the government has also depended on the prosecution of journalist sources under the “Espionage Act”, which the report states is the Obama administrations most successful tool for silencing whistleblowers. And the prosecution of Chelsea Manning “was a turning point” in the Obama administration’s war on whistleblowers. The Guardian covers the report in its article “Obama’s efforts to control leaks ‘most aggressive since Nixon’: Under Obama, the Espionage Act has been used to mount felony prosecutions against six government employees and two contractors accused of leaking classified information to the press, including Chelsea (formerly Bradley) Manning and Edward Snowden. In all previous administrations, there had been just three such prosecutions. Stand up for transparency. Stand up for whistleblowers. Stand up for Chelsea Manning!

The FBI, DOD, and DHS hold information key to the functionality of the government; whistleblowers expose that

Vaughn 12

(Robert G. Professor of Law at the American University who is published on a variety of topics regarding public information law, public employment law, consumer law, and whistleblower protection “The Successes and Failures of Whistleblower Laws” 28 Dec 2012 Pages 211-212 www.elgaronline.com/view/9781849808378.xml , cayla_)

Foreign affairs, national defense and whistleblowing have long been intertwined. National security and whistleblowing are part of a dance between secrecy and disclosure in American politics and culture. Whistleblower laws in the United States have been part of this minuet. National security demands for secrecy and agitation for whistleblower laws increase together. Several factors explain this synchronization. First, the circumstances – war, terrorism, or strained military and diplomatic relations with other countries – that fuel executive claims for control of information regarding national security also generate congressional need for that information. Employees of the Federal Bureau of Investigation (FBI), civilian employees of the Department of Defense (DOD), members of the uniformed services, members of the intelligence community, and, more recently, the Department of Homeland Security (DHS) hold much of this information. They have access to information and the experience and skill to analyze its importance. Second, our experiences with claims of national security arouse suspicion regarding them. The hidden information protected by these claims can shield incompetence, corruption, and misjudgment. That information also exposes abuses of power, the violation of civil liberties, and criminal conduct. Technology, government contracting, and increasingly close ties between national security agencies and private business ensures that employees of private companies, as well as government employees, will hold information about these abuses, abuses that can threaten – either by their character or by their frequency – democratic institutions and the rule of law. When installations owned by private companies become the targets of terrorists, employees of those companies become linked to the preservation of national security. They possess information, inconvenient to their employers, but critical to national security. Third, the perspectives of those connected with national security organizations naturally and properly accentuate the risks of disclosure. Because national security techniques often use a ‘mosaic’ of information to assess and to evaluate threats and to plan and execute responses, national security officials tend to see each bit of information as important. Those perceptions clash with expectations of citizens and of Congress regarding access to information allowing knowledge and understanding of the operations of government and judgment of the performance of those unelected persons who exercise the power of government. Finally, the perspective of secrecy not only limits public disclosures, but also restricts the exchange of information within the government. These restrictions impede the sharing of information and thus weaken performance and create inefficiencies and errors. These inefficiencies and errors encourage calls not only for increased exchanges of information within government, but also for external oversight. National security employees and others who are aware of these inefficiencies are likely to seek to change them, often from their commitment to national security. Disclosure of these inefficiencies often dictates release of some of the pieces of otherwise protected information. Classified information and national security information differ from one another. Their similarities can obscure important differences. Complex legal, policy, and operational rules define and regulate classification. On the other hand, national security information may not be immune from disclosure. The treatment of classified information, however, can easily be expanded beyond classified information by attempting to link it with undefined presidential powers over national defense and foreign affairs. The executive could claim that national security information encompasses law enforcement information, as well as information provided to the government by private businesses. It is a convenient rubric to encompass significant amounts of unclassified information. Arguments against disclosure and whistleblower protection regarding classified information can be conflated with arguments against whistleblower laws for national security information.

WB Good: Racism

Poor communities of color are disproportionately affected by disease—more protections for whistleblowers are necessary to uncover EPA’s abuse and corruption

Adebayo 13 (Dr. Coleman, author of *No FEAR: A Whistleblowers Triumph over Corruption and Retaliation at the EPA* worked at the EPA for 18 years and blew the whistle on a US multinational corporation that endangered vanadium mine workers in South Africa and is currently the Director of Transparency and Accountability for the Green Shadow Cabinet “EPA Victims Ask: Who Will Protect Us From Our Protectors?” 09/17/2013 blackagenda.com/content/epa-victims-ask-who-will-protect-us-our-protectors , *cayla_*)

The public need protection from the Environmental Protection Agency, a “rogue” department of government that ruthlessly suppresses the truth about its actual activities.

“The EPA’s Office of General Counsel, Office of Civil Rights and the Office of the Administrator have all been complicit in crimes against the people and environment they are charged with protecting.” EPA Victims Ask: Who Will Protect Us From Our Protectors? “It is imperative to those with the power for the whistleblower to be destroyed.” The EPA is in the news again. Not for taking credit for a substantive decline in the neurotoxic levels of lead in the brains of young African-American children or imposing major pesticide rules against chemical companies that are poisoning our food and water but for its vicious and malicious retaliation against a courageous EPA employee who blew the whistle on Agency lies and corruption with its purposeful misleading of the public on health risk of dust at the World Trade Center cleanup after 9/11. The EPA’s dismal record of discrimination and intolerance gives the Agency the odious distinction of having had its retaliatory and intimidating policies cited in the first whistleblower protective legislation of the 21st century when Congress and the Executive in 2002 took the first tentative steps toward reigning in this rogue agency that has come to symbolize institutionalized governmental coercion and systematic fear tactics applied by criminal elements within the upper ranks of government against lower level, conscientious workers.

The EPA is an Agency that **has historically neglected economically-disadvantaged communities and allowed poor children to disproportionately suffer from asthma and other chronic upper-respiratory diseases,**

sometimes leading to death. The bulk of these children are Black, Hispanic and others who have nowhere else to go, but remain in toxic dumping grounds throughout the United States. The present controversy represents just the latest example of an Agency still out of control. Because sunlight is a disinfectant, Democratic and Republican presidents have dared not select an administrator from outside the EPA’s cloaked walls. The last three EPA Administrators have been insiders who have learned the ropes from the very same culprits the No FEAR Act sought to restrain. “She sounded the alarm about the health risks for them and residents near the WTC buildings, resulting in her being thrown into the abyss of EPA retaliation.” The latest target of their corruption is Dr. Cate Jenkins, a senior chemist who ran into the same “green” stonewall that all EPA employees hit when they make the decision to warn the public about environmental dangers the Agency has a hidden agenda about. Dr. Jenkins raised concerns about the health risks and dangers to the 911 emergency first responders after the terrorist attack

on the World Trade Center in New York City. Former New Jersey Governor and EPA administrator Christine Whitman said the air quality

immediately following the 911 explosions was “safe to breathe,”

leaving firefighters, police and citizens comforted by her statement but actually exposed to life and quality of life threatening toxins. Dr. Jenkins, a seasoned scientist with an impressive resume, professionally disagreed with the “official” line of the EPA and other political leaders. Concerned for the lives of the responders, she sounded the alarm about the health risks for them and residents near the WTC buildings, resulting in her being thrown into the abyss of EPA retaliation. According to Public Employees for Environmental Responsibility (PEER), Dr. Jenkins “received a proposed removal more than a year after a federal civil service court ordered her returned to work...EPA re-filed the same charges from 2010 which had been thrown out for violations of her constitutional due process rights.” Further, she had “publicly charged that due to falsified EPA standards, First Responders waded into dust so corrosive that it caused chemical burns deep within their respiratory systems. After raising the issue to the EPA Inspector General, Congress and the FBI, Dr. Jenkins was isolated, harassed and ultimately removed from her position on December 30, 2010 by EPA, based upon an un-witnessed and contested claim that the soft-spoken, petite childhood polio survivor threatened her 6-foot male supervisor.” While the EPA

allegations seem laughable, Dr. Jenkins’s EPA career has been destroyed. She follows hundreds of other EPA employees of conscience who

have raised “green flags” about EPA corruption

continuing unabated. “First Responders waded into dust so corrosive that it caused chemical burns deep within their respiratory systems.” Susan Morris, an Assistant Director in the Office of Civil Rights, blew the whistle on the violations of civil

rights, dishonesty, and misuse of federal resources

that were ignored by the Administrators, the EPA Inspector General and the legal office. After a lengthy investigation, the Office of Special Counsel (OSC), the agency responsible for these violations, found that EPA had retaliated against Morris for whistle blowing and said she should be reinstated with full benefits. Instead, in line with their continued abuse and retaliation of employees, administrator Lisa Jackson ignored the OSC, forcing Ms. Morris to file a complaint that will be heard by a jury in Federal District Court. In discussing Dr. Jenkins’s situation with Ms. Morris, she said, “I am not surprised by anything that EPA does to its employees. I worked at four major Departments and industry for over 30 years and never encountered a more despicable environment in which to work. I understand the woman, another lawyer, that they just put in the Acting position was detailed over 30 times and is now in charge of civil rights. They don’t want civil rights to work in the EPA because it would mean they would have to be timely in processing

complaints from employees and poorer communities that are being polluted by industry. It’s a disgrace.” The case of Dr. Jenkins, Morris continued, “just adds to

the fear of discrimination and retaliation that permeates the agency with over 1,000 attorneys

supporting the corruption.” On May 4, 2012, the MSPB (the Merit Systems Protection Board), responsible for protecting employees from agency management abuses unanimously rejected EPA’s claims against Dr. Jenkins and ordered the rogue agency to “fully restore” her back to her position and provide back pay with interest, just as OSC did with respect to Susan Morris. It should be noted that the MSPB routinely finds in favor of federal agencies and rarely in favor of federal employees. In this instance, the evidence was clearly so overwhelming that the MSPB was unable to rubber stamp the illegal behavior of the Agency. Ignoring the MSPB decision, the EPA placed Dr. Jenkins on paid administrative leave for over one year (at taxpayers’ expense) and re-filed termination charges against her on August 27, 2013—the same exact charges as those previously dismissed. “They don’t want civil rights to work in the EPA because it would mean they would have to be timely in processing complaints from employees and poorer communities that are being polluted by industry.” Is this an isolated case? By no means. The Washington Post recently reported that John C. Beale, a subordinate of EPA Administrator Gina McCarthy, (in her previous position as head of the Air and Radiation office) has

pleaded guilty to defrauding the EPA of \$900,000. However, the same rules do not apply to all offenders. Mr. Beale obviously belonged to what many refer to as the EPA's "good ole boy club" having basked in the perks of special privilege afforded the high and mighty. Once his crime was discovered he did not face the same level of acrimony suffered by Dr. Cate Jenkins or Susan Morris. In Beale's case, he was allowed to quietly retire from his position until he was criminally charged. The length to which the Agency will go to provide cover and protection to one of its "own" would shame any government that values fairness and justice. For an agency whose stated mission is "to protect human health and the environment," it is more than a little embarrassing when one of their scientists outs the Agency's willfully dishonest and misleading statements. Questioning the moral, legal and socially responsible ethics of what would in any reasonable context be seen as criminal misconduct cannot be allowed. **It is imperative to those with the power for the whistleblower**

to be destroyed. Dr. Jenkins' is just the latest in the succession of cases that the EPA chooses to ignore direct instructions from its judicial overseers. This flagrant and arrogant disregard for the law comes as no surprise to those familiar with EPA whistleblowers. Despite public outcry and congressional inquiries, the same attorneys in the EPA Office of General Counsel, including David Guerrero and Nancy Dunham, routinely have their names affixed to agency adverse removal actions. **According to the Centers for**

Disease Control (CDC), as many as 65,000 people have been ill as a result of exposure to the 9/11 dust.

This was exactly what Dr. Jenkins was trying to avoid. A Mount Sinai Medical Center study announced the grim statistics that 9/11 first responders are now experiencing a 15% higher cancer rate than their cohorts who were not exposed to the toxic air. **EPA allowed these people to be exposed when it was unnecessary**

and could have been averted through using proper protective recovery gear. As of August 2013, approximately 1,140 emergency responders and people who lived or worked near ground zero have been certified by the National Institute for Occupational Safety and Health to have a WTC-related cancer and these numbers are expected to rise. The question is how many more will die? Where is the accountability for those who were in a position to know what Dr. Cate Jenkins knew and made up feel-good announcements that condemned all of these people to suffering and death? The EPA's Office of General Counsel, Office of Civil Rights and the Office of the Administrator have all been complicit in crimes against the people and environment they are charged with protecting. **The corruption at EPA is found at every level.** Lisa Jackson, the former EPA Administrator who leveraged her EPA gig into the position of Vice President for Environmental Affairs at Apple (a business that she used to regulate) is under Congressional scrutiny for using the alias, 'Richard Windsor' to skirt Congressional oversight and to avoid having to release information to the public mandated under the Freedom of Information Act (FOIA.) A Congressional hearing was held last week to continue the investigation into this matter. "9/11 first responders are now experiencing a 15% higher cancer rate than their cohorts who were not exposed to the toxic air." In Coleman-Adebayo v. Carol Browner, in which I prevailed in federal court, a jury of my peers established that EPA as an agency tolerated racism, sexism and a hostile work environment. However, as in the case of Dr. Jenkins, even after I won and the first civil rights and whistleblower protection law of the 21st century, No FEAR, was ratified the agency continued its ham-fisted retaliation until I was fired. The legal attack team that is prosecuting the cases against Dr. Jenkins and Susan Morris are the same lawyers who have been relentless against me. People who trusted the assurances of **the Agency** tasked to protect human health and the environment are suffering by the tens of thousands and dying.

Who is going to protect us from the ones who systematically destroy the whistleblowers who are trying to protect us? It is essential that we continue to fight for the survival of this planet that is placed in peril when we choose corporate collusion over sustainable environmental protection.

WB Good: Military Power

Whistleblowers can check the military's worst abuses of power, but currently they're labeled "traitors" and "national security issues"

Devine 13 (Tom, a lawyer, lobbyist, advocate for whistleblower rights, and the legal director at the non-profit Government Accountability Project, in Washington, D.C. who has assisted more than 5,000 whistleblowers and has helped enact or defend more than 20 major whistleblower laws in the United States and abroad "Obama's dangerously contradictory stance on whistleblowing" 16 April 2013 www.theguardian.com/commentisfree/2013/apr/16/obama-contradictory-stance-whistleblowing, *cayla_*)

In a film out this week, War on Whistleblowers, the New York Times' David Carr says: "The Obama administration came to power promising the most transparent administration in history ... and began prosecuting [whistleblowers] every which way." The transparency administration's legacy is being erased by an out-of-control national security bureaucracy. As this important documentary exposes, so far the tactic has been prosecuting or harassing national security whistleblowers. And there's danger the full-scale crackdown could expand to canceling the independent job rights of nearly all government workers in the name of national security. Ironically, the threats are from an administration that championed historic whistleblower protection laws. This contradictory circumstance has produced the best and worst of times. The Whistleblower Protection Enhancement Act (WPEA) provides unprecedented employment protections. No other president has come close to President Obama on strengthening whistleblower job rights. Thanks to him, even national security workers now have in-house free speech rights. These breakthroughs last year were enormous wins after decades of resistance. Simultaneously, the Obama administration has attacked more national security whistleblowers as Espionage Act criminals than all previous administrations combined, lumping them in with spies. The WPEA provides on-the-job protections, but does nothing against retaliatory prosecutions. While they are the fewest in numbers, we need national security whistleblowers the most. They expose the worst abuses of power: blanket illegal wiretapping, human rights abuses, military murder of journalists and war crimes. They keep us safer, too. Senior Marines science adviser Franz Gayl blew the whistle and freed delivery of life-saving MRAPs (Mine Resistant Ambush Protected vehicles) to Iraq, overcoming delays responsible for thousands of unnecessary casualties. Then came nightmarish years climaxed by loss of security clearance to finish him off. He was eventually reinstated in a still-pending legal case. Whistleblowers like Gayl first tried institutional channels and did not leak any classified information, yet were treated as potential traitors. That sends a strong message: if you see something wrong, keep quiet. Tailing cars and families, surveillance of homes and communication, criminal investigations, and FBI gunpoint raids increasingly are the tactics to silence national security whistleblowers. Far from accidental or random, this reflects the calculated, sustained campaign by a rapidly expanding national security bureaucracy that is winning a war within the administration. Sometimes whistleblowers must rely on reporters to get the truth out. Thomas Tamm revealed Bush-era warrantless wiretapping in the New York Times. WikiLeaks and the Pentagon Papers were exposed through news stories. Without national security whistleblowers, the media can't do its job when the stakes are highest: threats to freedom from our own government. Award-winning reporters like Michael Isikoff, Seymour Hersh, Jane Mayer, Bill Keller, Tom Vanden Brook, Dana Priest and David Carr criticize the repression in War on Whistleblowers. These top-caliber journalists highlight whistleblower media partnerships and sound the alarm about a crackdown. None too soon. The stakes have just been raised exponentially. In court and proposed rules, the administration is seeking to rebrand virtually all federal employees as national security workers at the mercy of a McCarthy-era executive order, outside the civil service rule of law that has kept the federal workforce professional and non-partisan since 1883. They no longer could defend themselves against charged misconduct at the independent Merit Systems Protection Board. The WPEA's provisions, laws against race, sex and religious discrimination and the ban on political purges, all would lose relevancy. They'd be replaced by self-policing from agencies empowered to designate virtually any employee a "sensitive" national security worker. This means a civil service system vulnerable to replacement by a national security spoils system. The administration's litigation and regulatory blitz seeks to turn all job and transparency rights into window-dressing. Reinforcing the forces of light in this bizarre Obama v Obama war, his own appointees from the Office of Special Counsel and MSPB are in court fighting the Justice Department over the national security exception. The GAP's Make It Safe Campaign is petitioning President Obama to demand that he let his own people enforce civil service laws, and that Congress make whistleblowing a legal defense to retaliatory criminal prosecutions. It should not be legal to prosecute whistleblowers when it is illegal to fire them. This is inexcusable.

WB Good: Health Care

Whistleblowers are becoming increasingly important in healthcare

Getnick 14- managing partner of the law firm Getnick & Getnick L.L.P. in New York and has handled many whistleblower cases

(Neil, U.S. Whistleblower Cases Soar in Health and Pharma (Op-Ed), Live Science, <http://www.livescience.com/48136-us-whistleblower-cases-are-soaring.html>) JB

Whistleblower laws have been emerging as a prominent part of the healthcare landscape in the United States — and September 2014 provided a good vantage point to see where this trend is heading. Healthcare and pharmaceutical companies are watching closely, because whistleblower cases have proven an essential tool for unearthing industry fraud. Consumers have benefited as whistleblowers have revealed such practices as overcharging for medical devices and the mislabeling of prescription medication — and recent events show that the power of the whistleblower is on the rise. Encouraging whistleblowers to speak up U.S. Attorney General Eric Holder captured headlines when — the week before announcing his resignation — he called for the increase of award percentages in financial fraud cases under the Financial Institutions Reform, Recovery, and Enforcement Act to encourage whistleblowers to come forward. The move is indicative of a more general rise in support for whistleblower laws in the government, one that will impact multiple industries. A week after the Attorney General's declaration, Acting Associate Attorney General Stuart Delery delivered a speech in Washington, D.C. that received less publicity, but had enormous significance to the healthcare community. He reaffirmed that "the Department [of Justice] is committed to the preservation of a strong, and effective, False Claims Act." The False Claims Act (FCA) is a federal law, which is now mirrored by many recently enacted state laws, that empowers whistleblowers, their attorneys and the government to form public-private partnerships aimed at combating fraud against the government. It is particularly relevant to the health care and pharmaceutical industries because fraud in these areas often impacts the government's Medicaid and Medicare expenses — sometimes costing taxpayers billions of dollars. Delery went as far as anyone has to date in emphasizing the importance of the collaborative relationship between the government, whistleblowers and their lawyers, saying, "The unique public-private partnership that is established by the [FCA] safeguards billions of dollars of taxpayer funds, protects the health and safety of consumers, and improves public confidence in government." Delery emphasized that the Department of Justice (DOJ) now looks to build off whistleblower cases to achieve systemic change to combat fraud, explaining that there is now "a renewed emphasis on ensuring that settlements include clear, public statements about the misconduct giving rise to [FCA] violations." Delery also referenced related government tools for responding to and deterring future fraud, including criminal prosecutions, independent corporate monitors, and the establishment of a U.S. Office of Data Reliability to ensure pharmaceutical company compliance with FDA manufacturing standards. [Men Commit More Scientific Fraud Than Women] Whistleblower support is expanding The same week, U.S. Internal Revenue Service (IRS) Commissioner John Koskinen announced his support for whistleblowers and the IRS whistleblower program, advising that the IRS will be increasing the number of personnel in the IRS Whistleblower Office by more than 70 percent. Leaving no doubt about the rationale for this expansion, Commissioner Koskinen explained, "Additional staff will help us continue implementing the [IRS whistleblower] law and working to increase the pace of award payouts . . . [T]he IRS needs to do everything possible to strengthen the whistleblower program and build on the progress already made in implementing the law. I am committed to expanding the program's reach . . ." The week following, the U.S. Securities and Exchange Commission (SEC) announced the largest SEC whistleblower award yet, more than \$30 million that went to a foreign national who filed a claim under the SEC whistleblower law. The case involved accusations against a company for cheating investors out of millions of dollars. The SEC did not reveal details or the name of the company but stated that the whistleblower uncovered a "difficult to detect" fraud. Does all this have relevance to the healthcare industry? Just ask GlaxoSmithKline, which separately that same week paid a \$484 million fine in China arising from kickback payments to doctors which violated anti-bribery laws. The SEC award is a development of worldwide significance for the healthcare industry because the SEC whistleblower law can take on Foreign Corrupt Practice Act cases for anti-kickback and bribery. This is vital to U.S. consumers who are increasingly on the receiving end of the risks posed by pharmaceuticals and healthcare products produced in under-regulated countries such as China and India. September a milestone for healthcare whistleblowers In September, shire Pharmaceuticals L.L.C. agreed to pay \$58.9 million to resolve an FCA case alleging the company promoted and overstated the efficacy of one of its drugs, despite a lack of supporting clinical data. Various other FCA cases that month involving medical device, hospice, skilled nursing facility, surgical center and medical-center companies resulted in agreed-upon settlements totaling another \$13 million. Such activity is not surprising in an era when annual FCA civil recoveries now average more than \$3.7 billion. And that doesn't take into account criminal fines,

which are also substantial, and the attendant costs of monitoring and other such programs often included in the overall context of a civil settlement. The lesson of September 2014 for the healthcare industry in this area is that whistleblower laws and cases are not only here to stay, but their impact is about to get even greater.

Internals: WB Effective

Whistleblowers have started movements against political manipulations of data and the media—Rick Piltz proves

Gibson 14 (Connor, researcher for Greenpeace's Investigations team who specializes in tracking those who professionally deny climate change science and obstruct policy solutions to global warming “Remembering Rick Piltz—Whistleblower and Climate Science Advocate” greenpeaceblogs.org/2014/10/20/remembering-rick-piltz-whistleblower-climate-science-advocate/, *cayla_*)

Last weekend, the country lost a public servant and altruist named Rick Piltz. Mr. Piltz was a government whistleblower who documented how the U.S. Environmental Protection Agency systematically misled the public, downplaying the certainty of climate change in U.S. science reports. He produced a rare, detailed case study in how the fossil fuel industry turns our government against the public in order to make more money for itself. Himself an employee of the U.S. EPA during the George W Bush administration, Mr. Piltz worked among industry lobbyists who were placed into regulatory position overseeing their former employers. These lobbyists included people like Jeff Holmstead, who continues lobbying against climate regulations for the coal industry, and Phil Cooney, who was plucked from the American Petroleum Institute and placed into the Bush EPA. Rick Piltz exposed Cooney’s hand-written manipulation of the U.S. government’s climate change science reports. This scandal forced Cooney out of the EPA and back into the oil industry as an employee of ExxonMobil. Piltz’s actions earned him the 2006 Ridenhour Prize for Truth-Telling. After leaving EPA, Rick Piltz created Climate Science Watch, which allowed him to counter campaigns to deny climate science and promote scientifically valid viewpoints on global warming. He died early last Saturday morning, October 18th, after a fight with cancer. Rick Piltz did what too few in government are willing to do, withstanding immense social and professional pressure to show taxpayers that their government was working for private interests, against the public, on public funds. Piltz’s bravery embodies some of the core principles that Greenpeace strives to uphold in the best of our work. It takes guts to stand up to political and financial juggernauts, to be willing to subject oneself to great discomfort and personal pressure in order to reveal the truth. Without Piltz’s proof that fossil fuel foxes were running the hen house, we would not be where we are today in holding companies like ExxonMobil accountable. Mr. Piltz’s work gave immense leverage to Greenpeace’s ExxonSecrets project, which documented how Exxon spent millions on people and groups who lied to the public about global warming, by constantly downplaying the seriousness of the issue, if not denying climate change entirely. Today, even ExxonMobil no longer denies the science of climate change, though Exxon isn’t being proactive in addressing the problem (CEO Rex Tillerson suggests a do-nothing-and-adapt approach and lobbyist Ken Cohen sneers at the fossil fuel divestment movement). But even unpopular Big Oil brands like Exxon have discontinued funding some of the more flamboyant climate policy obstruction groups, like The Heartland Institute and Competitive Enterprise Institute. This is a sign of the slow but steady progress of truth. The actions of Rick Piltz have hastened that progress. Greenpeace offers its condolences to Mr. Piltz’s family and friends, and its appreciation and gratitude to Rick himself as we reflect on his contributions to his country. Via Rabbett Run, here is Rick describing his work in his own words, in response to media reactions to the People’s Climate March: “I did my graduate study in political science and my undergraduate in experimental psychology, at Michigan, long ago. I listen to leading climate scientists, I know leading climate scientists. I would never pass myself off as one. I have been focused first and foremost on the problem of global warming and climatic disruption since Jim Hansen testified in 1988. I came to that interest, as with other environmental, natural resource, and energy issues I have worked on for the past 35 years, primarily from the policy side. I spent four years on the professional staff of the House Committee on Science, Space, and Technology, and 10 years in a senior staff position in the U.S. Global Change Research Program Coordination Office here in Washington (that’s the \$2 billion multiagency program that supports the research and observing systems on climate and global change). During those years I became very attuned to what I came to refer to as the “collision” between the world of climate science and the realities of Washington politics. I saw how politicians in Washington used, misused, and denied what scientists were telling them, and how difficult it was to make this essential communication channel function productively. So at this point I know considerably more science than most people in the arena of policy and politics, and more about the latter than most scientists. My project, and whatever contribution it makes, is primarily aimed at government accountability in national policymaking. I have an analysis and an approach for doing that, and Climate Science Watch is the vehicle via which I and various collaborators express that. At this point, I think the discourse about climate change, certainly at the power elite level, is shifting, or has shifted, from what we might call the science-policy nexus, toward questions about economics, business, politics, energy policy, national security planning, and so forth. I can deal with that and that’s where our attention is moving, I think.

Of course there are many important scientific questions about the physical climate system to research, and I spent quite a few years doing what I could to encourage bipartisan support for a strong research program, regardless of people's policy disagreements.

Freedom of Press Scenario

Internals: Anti-Leaks Kill FOP

Obama's programs on leaks are having a chilling effect on the press

Rottman 13- Legislative Counsel, ACLU Washington Legislative Office

(Gabe, Freezing the Press, ACLU, <https://www.aclu.org/blog/freezing-press>) JB

It's been half a year since the Associated Press revealed a subpoena sweeping up phone metadata records for more than 20 of its lines, in offices where more than 100 reporters work, covering tens of thousands of newsgathering calls. Members of the press (and me) seized on the story to decry the chilling effect the Obama administration's aggressive "leak" investigations are having on the media. To date, hard evidence of that chill has been somewhat sparse. But a scathing new report by the Committee for Protection of Journalists makes clear that the chill is real and increasingly frigid. The report, written by former Washington Post Executive Editor Leonard Downie, pulls no punches in its criticism of the Obama administration's failure to abide by campaign promises to be the most transparent White House in recent memory. "The administration's war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration," Downie, who covered Watergate, writes. "The 30 experienced Washington journalists at a variety of news organizations whom I interviewed for this report could not remember any precedent." Downie also details how the leak prosecutions are part of a larger message discipline effort at the White House. That effort includes the administration's extensive use of social media and White House-produced news content as part of "a strategy, honed during Obama's presidential campaign, to use the Internet to dispense to the public large amounts of favorable information and images generated by [the] administration, while limiting its exposure to probing by the press."

Obama is an enemy to free press

Fung 14- editor at Huffington Post

(Katherine, James Risen: Obama Is 'Greatest Enemy To Press Freedom In A Generation', Huffington Post, http://www.huffingtonpost.com/2014/08/17/james-risen-obama_n_5685705.html) JB

Pulitzer Prize-winning New York Times reporter James Risen is not mincing words about President Barack Obama. Risen has been fighting the Obama administration's efforts to get him to testify about his sources for six years. The Department of Justice has ordered him to testify against former CIA agent Jeffrey Sterling, who it believes leaked information about a failed CIA operation in Iran that Risen reported on in his book. Risen recently lost his bid to have the Supreme Court revisit his case. New York Times columnist Maureen Dowd spoke to Risen for her Sunday column "Where's the Justice at Justice?" "How can he [Obama] use the Espionage Act to throw reporters and whistle-blowers in jail even as he defends the intelligence operatives who 'tortured some folks,' and coddles his C.I.A. chief, John Brennan, who spied on the Senate and then lied to the senators he spied on about it?" Dowd wrote. Risen had one word to describe Obama's actions: "hypocritical." "A lot of people still think this is some kind of game or signal or spin," he told Dowd. "They don't want to believe that Obama wants to crack down on the press and whistle-blowers. But he does. He's the greatest enemy to press freedom in a generation."

Obama has initiated a war on whistleblowers and the press – causes chilling effect and crushes freedom of the press

Downie and Rafsky, October 10, 2013

(Leonard, vice president at large and former executive editor of The Washington Post, is the Weil Family Professor of Journalism at Arizona State University's Walter Cronkite School of Journalism and Mass Communication. He is a founder and a current director of Investigative Reporters and Editors and the author of five books, and Sara, Americas research associate for the Committee to Protect Journalists in New York, contributed to this report, "Leak investigations and surveillance in post-9/11 America," Committee of Protected Journalists, October 10, 2013, <https://cpj.org/reports/2013/10/obama-and-the-press-us-leaks-surveillance-post-911.php>, Accessed: July 12, 2015, YDEL)

The administration's war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration, when I was one of the editors involved in The Washington Post's investigation of Watergate. The 30 experienced Washington journalists at a variety of news organizations whom I interviewed for this report could not remember any precedent.¶ "There's no question that sources are looking over their shoulders," Michael Oreskes, a senior managing editor of The Associated Press, told me months after the government, in an extensive leak investigation, secretly subpoenaed and seized records for telephone lines and switchboards used by more than 100 AP reporters in its Washington bureau and elsewhere. "Sources are more jittery and more standoffish, not just in national security reporting. A lot of skittishness is at the more routine level. The Obama administration has been extremely controlling and extremely resistant to journalistic intervention. There's a mind-set and approach that holds journalists at a greater distance."¶ Washington Post national security reporter Rajiv Chandrasekaran, a member of CPJ's board of directors, told me that "one of the most pernicious effects is the chilling effect created across government on matters that are less sensitive but certainly in the public interest as a check on government and elected officials. It serves to shield and obscure the business of government from necessary accountability."¶ Frank Sesno, a former CNN Washington bureau chief who is now director of the School of Media and Public Affairs at George Washington University, said he thought the combined efforts of the administration were "squeezing the flow of information at several pressure points." He cited investigations of "leakers and journalists doing business with them" and limitations on "everyday access necessary for the administration to explain itself and be held accountable."¶ The Insider Threat Program being implemented throughout the Obama administration to stop leaks—first detailed by the McClatchy newspapers' Washington bureau in late June—has already "created internal surveillance, heightened a degree of paranoia in government and made people conscious of contacts with the public, advocates, and the press," said a prominent transparency advocate, Steven Aftergood, director of the Government Secrecy Project at the Federation of American Scientists in Washington. None of these measures is anything like the government controls, censorship, repression, physical danger, and even death that journalists and their sources face daily in many countries throughout the world—from Asia, the Middle East and Africa to Russia, parts of Europe and Latin America, and including nations that have offered asylum from U.S. prosecution to Snowden. But the United States, with its unique constitutional guarantees of free speech and a free press—essential to its tradition of government accountability—is not any other country.¶

Internals: Insider Threat k FOP

The Insider Threat Program is chilling the press and creating an atmosphere of mistrust

Parton 14- contributing writer

(Heather, Journalism under fire: America's freedom of the press is in danger, Salon, http://www.salon.com/2014/07/29/journalism_under_fire_americas_freedom_of_the_press_is_in_danger/) JB

Therefore, civil libertarians of all political stripes should be deeply concerned about this comprehensive new survey of national security and intelligence lawyers and journalists from Human Rights Watch and the American Civil Liberties Union. Professionals in both these areas report a shocking decline in their ability to function properly in their constitutionally protected areas of concern. G. Alex Sinha, the author of the report warns that "The work of journalists and lawyers is central to our democracy. When their work suffers, so do we." Human Rights Watch and the ACLU interviewed more than 50 journalists from outlets throughout American media and found a **high level of insecurity and anxiety** among them. They report that journalists are having to adopt extreme, clandestine measures to protect sources, such as complicated encryption, burner phones and being forced to meet exclusively in person. One prominent reporter was said to be representative of the feelings of many when he explained that, "I don't want the government to force me to act like a spy. I'm not a spy; I'm a journalist." Considering the reaction of many people in the government toward reporters involved in the NSA revelation, it's clear they have reason to be paranoid. There are government officials who consider them to be spies and have said they should be punished as such. Even fellow journalists have brought up the question of "aiding and abetting" as if it's a legitimate line of inquiry. The atmosphere of mistrust is also rampant within the government, as with the administration having cracked down on contacts between the intelligence community and issuing threats of legal action even before the Snowden revelations. The institutionalized, government-wide initiative called the Insider Threat Program could have any federal employee looking over his shoulder and worrying that his innocent behavior might be construed as suspicious.

The Insider Threat Program and Obama's crack down on leakers have had a profound effect on freedom of the press in the US [1AC/2AC??]

Debussman 14- former columnist for Reuters

(Bernd, Watchdog groups warn of eroding press freedom under Obama, Watchdog groups warn of eroding press freedom under Obama, Daily Star, <http://www.dailystar.com.lb/News/International/2014/Feb-19/247755-watchdog-groups-warn-of-eroding-press-freedom-under-obama.ashx>) JB

The day he took office, President Barack Obama promised to head "the most open and transparent" government in U.S. history. Five years later, American government secrecy is so tight that journalism groups fear the freedom of the press is under threat. Obama is drawing comparisons to the secrecy-obsessed Richard Nixon. "Press freedom in the United States dramatically deteriorated in 2013," the New York-based Committee for the Protection of Journalists noted in its annual report on global threats to the free flow of information. The CPJ's harsh assessment coincided with the release of global press freedom rankings by the Paris-based advocacy group Reporters sans Frontières. It put the United States in 46th place (out of 180), a drop of 13 slots from the previous year. According to the French group, freedom of information is being

sacrificed to an overly broad and abusive interpretation of national security needs. The result -- "a disturbing retreat from democratic practices. Investigative journalism often suffers as a result. This has been the case in the United States. ... Countries that pride themselves on being democracies and respecting the rule of law have not set an example, far from it." That, in the view of the two watchdog groups, encourages authoritarian governments to press on with practices that include censorship, killings, kidnappings, and imprisonment. The U.S. incidents that prompted press freedom advocates to sound the alarm pale in comparison with the brutal treatment of journalists in many other parts of the world. But they do conflict with Obama's early promises of openness and transparency. One of the incidents that set alarm bells ringing was the secret seizure of the records of thousands of telephone calls made by reporters and editors of the Associated Press. The Justice Department ordered the move as part of an investigation into who in the government leaked information for an AP story about a plot hatched in Yemen to bomb an airliner bound for the U.S. The phone records led government investigators to an FBI agent. He pleaded guilty of disseminating classified information and was sentenced to 43 months in prison. In another hunt for a government official who leaked classified information to a journalist, the government seized emails and phone records of a reporter for Fox News, James Rosen and his parents. The operation resulted in the indictment of a State Department contractor Stephen Kim for disclosing information on North Korea's nuclear program. Accused of having violated the 1917 Espionage Act, he is due to be sentenced in April. Since 1917, only 10 people have been charged under that act for leaking classified information -- seven of them by the Obama administration. They include Private Bradley Manning, the army intelligence analyst who leaked more than 700,000 secret documents from the State Department and the Department of Defense. He was sentenced to 35 years in prison. Edward Snowden, the National Security Agency consultant who disclosed details of his agency's worldwide electronic surveillance program and passed the information to journalists, has also been charged with violating the Espionage Act. Snowden is out of the reach of American courts, living in temporary asylum in Russia. Whether the espionage act is the right instrument in cases of leaks to journalists will remain a subject of dispute between legal experts for some time to come. But the administration's crackdown on leakers already has had a chilling effect on the work of journalists, particularly those working on national security. "In the Obama administration's Washington, government officials are increasingly afraid to talk to the press," Leonard Downie, the former executive editor of the Washington Post, wrote in a special CPJ report last October. It revealed that government officials suspected of sharing classified information with reporters are subject to lie detector tests and examination of their telephone and email records. A special "Insider Threat" program requires officials to monitor the behavior of their colleagues and report suspected leakers. That program has "created internal surveillance and heightened a degree of paranoia in government," according to Steven Aftergood, a veteran anti-secrecy campaigner who puts out a weekly newsletter for the Federation of American Scientists. "The administration's war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration, when I was one of the editors involved in the Washington Post's investigation of Watergate," Downie said, referring to the 1972 abuses of presidential powers that were leaked to journalists and led to the resignation of President Nixon. In the digital age four decades later, leaking information the government wants to withhold from the public has become much easier, thanks to computers and the Internet. But it is also easier to track the source of a leak, thanks to the NSA's massive surveillance program. It undermines an essential element in the relationship between journalists and their sources -- the promise of confidentiality. That is bad news for independent journalism in a country that had made press freedom a measure of democracy for much of its history.

The Insider Threat Program chills freedom of press- makes potential sources not want to speak out

Eilperin 13- reporter

(Juliet, How Obama's anti-leak policy has chilled the free press, Washington Post, <http://www.washingtonpost.com/blogs/the-fix/wp/2013/10/11/how-obamas-anti-leak-policy-has-chilled-the-free-press/>) JB

The Committee to Protect Journalists published its first review of press freedoms in the United States under the Obama administration, and its conclusion is stark: The administration's aggressive anti-leak policy has intimidated potential sources of information for reporters working in the United States. The report, written by The Washington Post's former executive editor Len Downie, along with Committee research associate Sara Rafsky, does not contain any bombshells about how the White House has gone after media outlets' unauthorized government sources. But it articulates how these efforts — including the Insider Threat Program launched in October 2011 — have made it more difficult for reporters to hold the federal government accountable. And the most powerful aspects of the report are the comments made by journalists — and even some administration officials — themselves. Here is a sampling: The impact of leak prosecutions “I think we have a real problem,” said New York Times national security reporter Scott Shane. “Most people are deterred by those leaks prosecutions. They're scared to death. There’s a gray zone between classified and unclassified information, and most sources were in that gray zone. Sources are now afraid to enter that gray zone. It’s having a deterrent effect. If we consider aggressive press coverage of government activities being at the core of American democracy, this tips the balance heavily in favor of the government.” “There’s no question that sources are looking over their shoulders,” said Michael Oreskes, a senior managing editor of the Associated Press, after the government, in an extensive leak investigation, secretly subpoenaed and seized records for telephone lines and switchboards used by more than 100 AP reporters in its Washington bureau and elsewhere. “Sources are more jittery and more standoffish, not just in national security reporting. A lot of skittishness is at the more routine level. The Obama administration has been extremely controlling and extremely resistant to journalistic intervention. There’s a mind-set and approach that holds journalists at a greater distance.” “The administration’s war on leaks and other efforts to control information are the most aggressive I’ve seen since the Nixon administration, when I was one of the editors involved in The Washington Post’s investigation of Watergate,” Downie wrote. “The 30 experienced Washington journalists at a variety of news organizations whom I interviewed for this report could not remember any precedent.”

anti-leak policies prevent government transparency

Eilperin, 2013 [(Juliet, "How Obama's anti-leak policy has chilled the free press" The Washington Post, www.washingtonpost.com/blogs/the-fix/wp/2013/10/11/how-obamas-anti-leak-policy-has-chilled-the-free-press/)]

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The Washington Post's investigation of Watergate," Downie wrote. "The 30 experienced Washington journalists at a variety of news organizations whom I interviewed for this report could not remember any precedent." "When I'm asked what is the most manipulative and secretive administration I've covered, I always say it's the one in office now," Bob Schieffer, the veteran CBS television news anchor and chief Washington correspondent, said. "Every administration learns from the previous administration. They become more secretive and put tighter clamps on information. This administration exercises more control than George W. Bush's did, and his before that." "This is the most closed, control freak administration I've ever covered," said David E. Sanger, veteran chief Washington correspondent of the New York Times. The Insider Threat Program Michael Hayden, who directed the National Security Agency and then the Central Intelligence Agency during the George W. Bush administration, said that the unfolding **Insider Threat Program "is designed to chill any conversation whatsoever."**

The Insider Threat Program casts a chilling effect on government officials and journalists

Downie and Rafsky, October 10, 2013

(Leonard, vice president at large and former executive editor of The Washington Post, is the Weil Family Professor of Journalism at Arizona State University's Walter Cronkite School of Journalism and Mass Communication. He is a founder and a current director of Investigative Reporters and Editors and the author of five books, and Sara, Americas research associate for the Committee to Protect Journalists in New York, contributed to this report, "Leak investigations and surveillance in post-9/11 America," Committee of Protected Journalists, October 10, 2013, <https://cpj.org/reports/2013/10/obama-and-the-press-us-leaks-surveillance-post-911.php>, Accessed: July 8, 2015, YDEL)

WASHINGTON, D.C.¶ In the Obama administration's Washington, government officials are increasingly afraid to talk to the press. Those suspected of discussing with reporters anything that the government has classified as secret are subject to investigation, including lie-detector tests and scrutiny of their telephone and e-mail records. An "Insider Threat Program" being implemented in every government department requires all federal employees to help prevent unauthorized disclosures of information by monitoring the behavior of their colleagues.¶ Six government employees, plus two contractors including Edward Snowden, have been subjects of felony criminal prosecutions since 2009 under the 1917 Espionage Act, accused of leaking classified information to the press—compared with a total of three such prosecutions in all previous U.S. administrations. Still more criminal investigations into leaks are under way. Reporters' phone logs and e-mails were secretly subpoenaed and seized by the Justice Department in two of the investigations, and a Fox News reporter was accused in an affidavit for one of those subpoenas of being "an aider, abettor and/or conspirator" of an indicted leak defendant, exposing him to possible prosecution for doing his job as a journalist. In another leak case, a New York Times reporter has been ordered to testify against a defendant or go to jail.¶ Compounding the concerns of journalists and the government officials they contact, news stories based on classified documents obtained from Snowden have revealed extensive surveillance of Americans' telephone and e-mail traffic by the National Security Agency. Numerous Washington-based journalists told me that officials are reluctant to discuss even unclassified information with them because they fear that leak investigations and government surveillance make it more difficult for reporters to protect them as sources. "I worry now about calling somebody because the contact can be found out through a check of phone records or e-mails," said veteran national security journalist R. Jeffrey Smith of the Center for Public Integrity, an influential nonprofit government accountability news organization in Washington. "It leaves a digital trail that makes it easier for the government to monitor those contacts," he said.¶ "I think we have a real problem," said New York Times national security reporter Scott Shane. "Most people are deterred by

those leaks prosecutions. They're scared to death. There's a gray zone between classified and unclassified information, and most sources were in that gray zone. Sources are now afraid to enter that gray zone. It's having a deterrent effect. If we consider aggressive press coverage of government activities being at the core of American democracy, this tips the balance heavily in favor of the government."¶ At the same time, the journalists told me, designated administration spokesmen are often unresponsive or hostile to press inquiries, even when reporters have been sent to them by officials who won't talk on their own. Despite President Barack Obama's repeated promise that his administration would be the most open and transparent in American history, reporters and government transparency advocates said they are disappointed by its performance in improving access to the information they need.¶ "This is the most closed, control freak administration I've ever covered," said David E. Sanger, veteran chief Washington correspondent of The New York Times.

Internals: Obama Kills FOP

Obama's war on leakers is chilling the press

Bordelon 13- reporter

(Brendan, 'Most aggressive since Nixon': Report details Obama's assault on free press, Daily caller, <http://dailycaller.com/2013/10/11/most-aggressive-since-nixon-report-details-obamas-assault-on-free-press/>) JB

A brutal report from the Committee to Protect Journalists (CPJ) blasted the Obama administration, calling the White House's efforts to control information the harshest since the Nixon administration. The report is something of a first for CPJ, which typically focuses on oppressed journalists in Africa, the Middle East and Asia. Written by Leonard Downie Jr., the former editor of The Washington Post, the report contradicts the Obama administration's insistence that it is "the most transparent administration in history." "The administration's war on leaks and other efforts to control information are the most aggressive I've seen since the Nixon administration," he wrote. "The 30 experienced Washington journalists . . . whom I interviewed for this report could not remember any precedent." Downie explains that the Obama administration's obsession with controlling the narrative combines with reporter surveillance and its unprecedented prosecution of leakers to produce anxiety and inaction within the press corp.

The US is being very hypocritical in its stance on freedom of press

Global Research 14

(Global Research, Stunning Hypocrisy: Obama Administration Praises Freedom of the Press while Gutting it in the U.S., <http://www.globalresearch.ca/stunning-hypocrisy-obama-administration-praises-freedom-of-the-press-while-gutting-it-in-the-u-s/5411859>) JB

The White House said today: History shows that a free press remains a critical foundation for prosperous, open, and secure societies, allowing citizens to access information and hold their governments accountable. Indeed, the Universal Declaration of Human Rights reiterates the fundamental principle that every person has the right "to seek, receive, and impart information and ideas through any media and regardless of frontiers." Each and every day, brave journalists make extraordinary risks to bring us stories we otherwise would not hear – exposing corruption, asking tough questions, or bearing witness to the dignity of innocent men, women and children suffering the horrors of war. In this service to humanity, hundreds of journalists have been killed in the past decade alone, while countless more have been harassed, threatened, imprisoned, and tortured. In the overwhelming majority of these cases, the perpetrators of these crimes against journalists go unpunished. **All governments must protect the ability of journalists to write and speak freely.** On this first-ever International Day to End Impunity for Crimes against Journalists, the United States commends the priceless contributions by journalists to the freedom and security of us all, shining light into the darkness and giving voice to the voiceless. We honor the sacrifices so many journalists have made in their quest for the truth, and demand accountability for those who have committed crimes against journalists. We whole-heartedly agree. But that's stunning hypocrisy, given that the U.S. is actually one of the world's worst offenders against press freedom ... treating reporters like terrorists and criminals. Even top mainstream reporters have said that this administration is more hostile to the press than any other in history. As just one example, the Washington Post reports that USA Today Washington Bureau Chief Susan Page says the current administration is more threatening to press freedom than "any administration in American history," that she was "really worried" about what could happen if the White House continues to prevent reporters from doing their job of telling the news and telling the truth, and: This administration has been more restrictive and more challenging to the press, more dangerous to the press, really, than any administration in American history. This administration may be the most hypocritical in history. Indeed – in an attempt

to hide its hypocrisy – the Obama administration has prosecuted more whistleblowers than all other presidents combined.

Impacts: FOP k Pov/HC

press freedom promotes vital public goals - solves poverty, public safety, health care – empirics prove

Themudo, PhD 2012 [assistant professor in the Graduate School of Public and International Affairs at the University of Pittsburgh]

(Nuno S., January "Reassessing the Impact of Civil Society: Nonprofit Sector, Press Freedom, and Corruption" Governance Volume 26, Issue 1, pages 63-89, 89onlinelibrary.wiley.com/doi/10.1111/j.1468-0491.2012.01602.x/full)

How does civil society impact corruption? This question has become an important research topic with significant policy implications. According to the World Bank, corruption is “the single greatest obstacle to economic and social development.”¹ Corruption undermines public trust in government and other institutions, wastes public resources, and obstructs the responsive management of vital public goals, such as poverty alleviation, health care, and public safety. Moreover, by undermining the achievement of program goals and taxpayers’ willingness to support development cooperation, corruption “constitutes a challenge to the very foundations of development cooperation” (Swedish International Development Agency 2004, 6). Consequently, a large body of research has examined differences in the level of corruption across countries, revealing corruption’s complex relationship with the state (e.g., Elliott 1997; Hopkin and Rodríguez-Pose 2007; Rose-Ackerman 1999) and the market (e.g., Vogl 1998; Wu 2005). This article focuses instead on the relatively less explored relationship between corruption and civil society—defined here as the organizations and informal networks “located between the family, the state and the market in which people associate voluntarily to advance common interests” (Anheier 2004, 20). A growing body of qualitative research has found that civil society organizations can contribute to reductions in corruption (e.g., Choi 2007; Elliott 1997; Florini and Simmons 2000; Glynn, Kobrin, and Naím 1997; Goetz and Jenkins 2005; Johnston 2005; Lambsdorff 2005; McCoy and Heckel 2001; Natal 2006; Organisation for Economic Co-operation and Development [OECD] 2003; Ralchev 2004; Robinson 1998; World Bank 1997). In just the first six months of 2011, civil society organizations were involved in coordinating major anticorruption protests in India, Spain, Russia, China, Taiwan, Algeria, Azerbaijan, Jordan, Oman, Syria, Egypt, Iraq, Kenya, and Indonesia. They also organized protests in the United States and the United Kingdom against logging corruption in Borneo. It is not surprising, therefore, that civil society strengthening is one of the hallmarks of current anticorruption policy. This can be seen in the United States Agency for International Development’s (USAID 2005, 32) AntiCorruption Strategy Plan: “USAID has long recognized the key role of civil society in creating pressure for [anti-corruption] reform and ensuring that the resulting changes are sustainable.” As a result, civil society programs are USAID’s second largest type of anticorruption programs.² The OECD (2003, 7) puts it even more bluntly: “Civil society plays a key role in fighting corruption . . . it has become a leitmotif of anticorruption discourses.” Yet critics contend that civil society’s anticorruption impact has been overstated, pointing out that civil society can also create an environment that is propitious for corruption. Civil society organizations typically share several characteristics that hinder detection of corrupt behavior: Their governance is based on self-selected, volunteer-based boards that often do not have the capacity or willingness to oversee the executive; their culture of trust discourages monitoring; the extent of their accountability to the public is unclear; their work in environments characterized by high power asymmetries invites beneficiary silence; and their financial management capacity is often limited (see Gibelman and Gelman 2004; Greenlee et al. 2007; World Bank 1997). Moreover, civil society organizations can be valuable partners in corruption schemes: They are typically trusted by donors and local communities, enjoy tax benefits, and convene powerful individuals in their boards (see Cooksey 2007; Hancock 1989). In many parts of the world, civil society organizations are commonly created to take advantage of pouring foreign aid and to meet donor demands that “civil society” be involved in the management of aid (Cooksey 2007; Holloway 2001). Civil society organizations can also work as institutionalized mechanisms of socialization into corruption, lowering the moral costs of corrupt behavior and helping to create supporting networks among corrupt actors (Della Porta and Vannucci 1999). Thus, civil society often contributes to higher levels of corruption. Some empirical studies are consistent with this claim, finding that civil society organizations are often either corrupt or serve as conduits for corruption (e.g., Gibelman and Gelman 2004; Greenlee et al. 2007; Hancock 1989; Holloway 2001; Maxwell et al. 2008; Sandor 2003; Townsend and Townsend 2004).⁶⁴ NUNO S. THEMUDO On the other hand, skepticism about civil society’s anticorruption impact is also fueled by the fact that the relationship between civil society and corruption has been examined almost exclusively through qualitative research (e.g., Florini and Simmons 2000; McCoy and Heckel 2001; Ralchev 2004). While such research has been invaluable in revealing some of the processes through which civil society may contribute to lower corruption, its empirical generalizability remains untested (Brooks 2002; Natal 2006). As evidence of corruption among nonprofits and nongovernmental organizations (NGOs) mounts, the international community’s policy initiatives come under threat. Should we be skeptical of civil society’s purported link to lower corruption? And if civil society is indeed key in the fight against corruption, what are the general mechanisms through which it impacts corruption? This article seeks to answer these questions by

examining the relationship between civil society and corruption based on cross-national and longitudinal data. It shows that countries with a stronger civil society tend to have less corruption than those where civil society is weaker and that, over time, civil society strengthening is linked to a decline in corruption. By corroborating the widely held view that civil society helps to fight corruption, this finding is assuring, but it is also at odds with critics' numerous observations of widespread civil society corruption in developing countries and former Soviet republics (Cooksey 2007; Holloway 2001; Sandor 2003). This apparent contradiction suggests that civil society's link to corruption may be partly dependent on, or conditioned by, a third variable. Yet, while some theories explain why civil society helps to reduce corruption and other theories explain why civil society contributes to more corruption, the conditions under which either of these effects is likely to prevail have not been appropriately theorized. Based on a principal-agent model, this article argues that press freedom is critical in civil society efforts to generate public pressure against corrupt officials. It hypothesizes, therefore, that civil society's impact on corruption should be partly conditioned by the level of press freedom. This hypothesis finds robust empirical support. Civil society's anticorruption effect is strong in countries with more press freedom and practically disappears in countries with less press freedom. This result is robust to various changes in the operationalization of the variables and method of analysis. The fact that civil society's relationship with corruption is conditioned by the extent of press freedom helps to reconcile conflicting views on the relationship between civil society and corruption, provides a new explanation for the persistence of corruption, and brings key policy implications.

freedom of the press key internal link to solve corruption – civil society alone fails

Themudo, PhD 2012 [assistant professor in the Graduate School of Public and International Affairs at the University of Pittsburgh]

(Nuno S., January "Reassessing the Impact of Civil Society: Nonprofit Sector, Press Freedom, and Corruption" Governance Volume 26, Issue 1, pages 63-89, [89onlinelibrary.wiley.com/doi/10.1111/j.1468-0491.2012.01602.x/full](http://9onlinelibrary.wiley.com/doi/10.1111/j.1468-0491.2012.01602.x/full))

Cross-national longitudinal analysis showed that a stronger civil society is generally linked to lower levels of corruption across countries and over time, even after controlling for a vast array of known causes of corruption. These results are remarkable given the complex nature of corruption, intensity of the scholarly debate, and measurement challenges involved. In effect, the empirical validity of the models used here is affirmed by their significant ability to explain variation in the level of corruption across nations. This macro-level analysis disproves inferences based on microlevel evidence that civil society generally contributes to higher corruption in developing and transition countries. At the same time, claims of civil society's anticorruption impact must acknowledge its significant dependence on civil society's ability to generate public pressure against corruption and that, in turn, the public pressure mechanism is strongly conditioned by the extent of press freedom. This theoretical argument finds robust empirical support. While civil society strength has a strong anticorruption impact in countries with more press freedom, it has no significant impact on corruption in countries with less press freedom. This stark contrast combined with the strong and statistically significant interaction effect between the two variables powerfully demonstrate the interdependence between civil society and free press in the fight against corruption. These findings help reconcile the debate over civil society's impact on corruption. The disagreement has been partly caused by the lack of theoretical and empirical attention to the influences that might condition civil society's relationship with corruption. Press freedom is generally constant within existing qualitative research and, consequently, its profound effect is not clearly evidenced. By deliberately varying press freedom, the cross-national analysis demonstrated that in countries with limited press freedom, civil society strength has no significant association with the level of corruption. This ambiguous relationship can be partly explained by the fact that in those countries, civil society is missing a key ally in the fight against corruption. Moreover, the lack of press freedom may contribute to higher levels of corruption within civil society itself, which might explain why some qualitative studies in countries with limited press freedom, such as Indonesia, Tanzania, and the former Soviet republics, often find a direct link between civil society and corruption. Future research could identify other conditioning influences and refine NUNO S. THEMUDO the press freedom conditioning effect studied here by, for example, assessing the relative importance of different types of civil society groups and different types of media. What is the relative importance, for example, of local and transnational organizations? Can international NGOs help locals bypass obstacles caused by limited press freedom? Does the involvement of international NGOs boost local anticorruption efforts or does it undermine the local accountability and legitimacy of domestic groups? The growing impact of the Internet also seems to be a fertile opportunity for future research. Can civil society circumvent restrictions on press freedom through the Internet? Or does the limited Internet penetration in most developing countries and the increasing ability of states to filter the Internet preclude a significant impact in aiding civil society in the fight against corruption? From a policy perspective, this study suggests that the global expansion of civil society registered in the past two decades (e.g., Hammack 2001; Salamon et al. 2004) represents good news for anticorruption and sustainable development campaigners. Nevertheless, the powerful interdependence between civil

society and press freedom as well as the large number of other potential influences help explain the high persistence of corruption. A policy focus on civil society strengthening, which many donors have embraced, is not likely to lead to substantial reductions in corruption until press freedom is also tackled. Yet, persuading country leaders and elites to increase civil liberties and press freedom has not been easy. Consider, for example, the case of China that, faced with considerable internal and external pressure to reduce controls over civil liberties and the press, responded by further tightening. At stake is much more than the fight for public integrity. Democratization and liberalization also affect the distribution of power and resources, which elites will often resist (see Rudra 2005). Indeed, despite widespread agreement among policymakers that civil society is a critical element of anticorruption policy (see OECD 2003), civil liberties have recently declined in 40 countries (Freedom House 2010). In the opening statement of its latest Press Freedom report, Freedom House (2011, 1) describes another worrying trend: "The proportion of the world's population that has access to a Free press declined to its lowest point in over a decade during 2010, as repressive governments intensified their efforts to control traditional media and developed new techniques to limit the independence of rapidly expanding Internet-based media (p. 1)." As this study demonstrates, these are significant setbacks in the fight against corruption. If international donors are serious about fighting corruption, they should consider conditioning development aid (but not humanitarian aid) on satisfactory progress in civil liberties and press freedom. As illustrated by Mauritius, even poor countries can establish a governance system with full-fledged civil liberties and press freedom. The main cost of implementing such a system is political as elites may be threatened by it. Progress on civil liberties and press freedom, therefore, is a powerful indicator of political commitment to the REASSESSING THE IMPACT OF CIVIL SOCIETY 83 fight against corruption. Though the effectiveness of governance-based conditionality is still debated, to provide development aid to corrupt countries which do not demonstrate a commitment to civil society and press freedom is likely to lead to wasted resources or perhaps to even more corruption.

complete press freedom is a prereq to effective democracy – reduces poverty and checks totalitarian power

Barrett, 2014, [graduated from his Bachelor of Arts with a Double Major in Geography and Political Science and a Concentration in Global Studies in 2014. Master of Arts student within the Geography Department at Memorial University]

(Joshua, "Is freedom of the press required for a liberal democracy: A case study of Mexico's freedom of the press and democracy" Mapping Politics: Memorial University Political Science Journal Vol 6 journals.library.mun.ca/ojs/index.php/MP/article/view/1411/1045)

The press can also play the role of an advocate for democracy and good governance. In many situations, the press will show how the decisions of the government can improve or worsen the life of ordinary citizens. Media can report on not only what is happening, but also what should be happening. This is important, especially for developing nations, as decisions made by an authoritative figure or party can play a direct role in improving basic human living conditions. Pressures exerted by the press can help provoke optimal solutions. There are many ways the press can influence democracy in this capacity. For example, the media can identify which authorities are using clean administration versus corruption and nepotism, appropriate use of public resources versus mismanagement and waste, as well as other areas (Bratton, 1994). Lastly, and most importantly, the press can act as a catalyst for democracy and development. Even if the press is only able to authentically perform the most basic function of reporting on the matters of public interest, it is still acting as a promoter of transparency, openness, and accountability. The 2002 World Bank president, James Wolfensohn, expresses in a report that: A key ingredient of an effective development strategy is knowledge transmission and enhanced transparency. To reduce poverty, we must liberate access to information and improve the quality of information. People with more information are empowered to make better choices. For these reasons I have long argued that a free press is not a luxury. It is at the core of equitable development. The media can expose corruption. They can keep a check on public policy by throwing a spotlight on government action. They let people voice diverse opinions on governance and reform and help build public consensus to bring about change (2002: 14). Acknowledging these points, it is evident that the provision of media does positively influence democracy. Mexico has made a powerful pursuit in becoming a more democratic country. However, they can never be truly democratic unless they allow media to report on controversial ideas without repercussions. Conclusion Although today's world may not be dominated by democracies, it has the largest percentage of states that are in the transitional stages of becoming democratic than ever before (EIU, 2013). As this paper has described, freedom of the press is a significant right when becoming democratic. Without exception, if a state has full freedom of the press, they are either a full or a flawed democracy. The case of Mexico depicts the recent trend the country has been following to initiate democratic principles throughout their policies and practices. However, without appropriate media rights to advocate controversial and oppositional views, a state cannot be an authentic democracy. Therefore, the provision of media does influence democracy, and flawed democracies working towards obtaining media rights are moving in the right direction.

Impacts: Egypt Scenario

US current strategy when it comes to free press in Egypt is failing

Ali 14- senior editor at the Cairo Review of Foreign Affairs

(Rozina, Egypt's al-Jazeera trial was inspired by America's global war on journalism, Guardian, <http://www.theguardian.com/commentisfree/2014/mar/31/egypts-al-jazeera-trial-was-inspired-by-americas-global-war-on-journalism>) JB

Today, Egypt resumes its trial of the three al-Jazeera journalists it has held in captivity since December on the grounds that their coverage threatened national security. Media outlets, advocacy groups and foreign governments – including the United States – have all condemned the arrests and criticized the proceedings as a bold political move to suppress opposition. Indeed, even as Washington keeps its distance from the upcoming election, the State Department has insisted upon “the free expression of political views without intimidation or fear of retribution”. Last month, the US, along with other signatories, filed a declaration through the United Nations condemning Egypt for its violent suppression of dissent, including against journalists. But the brazen political rhetoric out of Cairo continues: that al-Jazeera’s Peter Greste, Mohamed Fahmy and Baher Mohamed are guilty of aiding the Muslim Brotherhood, that the Brotherhood is a terror group, and that counter-terror policy is crucial to democracy at all costs – even at the cost of a free press, that beating heart of democracy. This rhetoric is not new. Egypt seems to draw inspiration from the very country criticizing it – the United States.

The US must show a commitment to free press in order to get a response from Egypt- squ hypocrisy won’t work

Ali 14- senior editor at the Cairo Review of Foreign Affairs

(Rozina, Egypt's al-Jazeera trial was inspired by America's global war on journalism, Guardian, <http://www.theguardian.com/commentisfree/2014/mar/31/egypts-al-jazeera-trial-was-inspired-by-americas-global-war-on-journalism>) JB

Over the past decade, the US not only detained but tortured al-Jazeera journalists under counterterrorism policies. Now, as its War on Terror diffuses into support for an increasing number of local – and secret – wars on terrorism across the globe, the tactic of imprisoning journalists seems to be catching on. Ten years ago, the United States also justified its detention of al-Jazeera journalists by claiming a “national security threat”. These arrests could not be cloaked as mere collateral damage in a messy war. **The US, then as Egypt does now, made leaping connections between the news network and militants,** and specifically targeted those whose coverage did not serve the military’s objectives: Dick Cheney warned that al-Jazeera risked being “labeled as ‘Osama’s outlet to the world’”; Donald Rumsfeld called the network’s coverage of the Iraq war “vicious, inaccurate, inexcusable”. Over the next several years, US forces arrested and detained al-Jazeera journalists like Sami al Hajj and Salah Hasan Nusaif Jasim al Ejaili. US military forces captured both in separate instances while they were doing their jobs, and tortured them while attempting to establish ties between al-Jazeera and al-Qaida. Neither al Hajj nor al Ejaili received justice for their wrongful detention. After seven years of imprisonment in Guantanamo Bay, the US government released al Hajj to Sudanese authorities, without any reparations. Meanwhile al Ejaili, who was detained at Abu Ghraib, brought a case with other victims against the private military contractor at the prison, alleging it conspired to commit torture and war crimes. But the case was dismissed by the district court. The court perversely ordered al Ejaili and other plaintiffs to pay their alleged torturers for the cost of the suit. The case is pending on appeal. The reverberations of this misguided War on Terror continue, even if the war has shifted: the Obama administration has famously invoked the Espionage Act more than any other American president, attempting to control press leaks with tactics a report found to be “the most aggressive ... since the Nixon administration”. From a War on Terror to a war on leaks, now comes **America’s shadow influence in the global war on journalism:** when the US downgraded aid to Egypt after the government violently disbanded protests against the state, for example, it continued to supply the government funds for its counter-terrorism efforts – the same efforts that were used to justify the imprisonment of al-Jazeera journalists in the first place. No wonder Egypt’s UN delegation questioned those countries signing the recent UN declaration on suppression of dissent: We call upon the countries that signed to the statement ... to consider the credibility of their positions ... when they speak about freedom in the work of journalists and illegally follow their activities and throw them in detention camps and secret prisons without trial under the banner of the war on terror. Now, as the fate of three journalists rests in the hands of a government mirroring US policies, the

reality of America's media crackdown could not be starker. **Absent a commitment to a free press and accountability for those journalists who have been wrongly accused, arrested and tortured, the ongoing – if evolving – hypocrisy of US policy will continue to serve as justification for untold future harms.** And whenever the war on terror does eventually end, and if the smoke clears, it's frightening to envision what might remain.

US can't do anything about Egypt's violation of freedom of press- must handle problems with freed press at home first

Harvard 14- writer

(Sarah, Why the US Record on Free Press Won't Inspire Cairo, Huffington Post, http://www.huffingtonpost.com/sarah-harvard/why-the-us-record-on-free_b_5538211.html) JB

On July 5, 2005, former New York Times reporter Judith Miller made an honorable sacrifice by accepting a jail sentence rather than exposing her confidential source through testifying before a grand jury. Miller's story is a stark reminder of the nation's own war on press freedom and a chilling foreshadowing of the United States' own struggles of respecting and obeying the rights of journalists. **The Obama administration always seem to be on point with setting themselves apart from the Middle Eastern dictators, as they had made public statements condemning the Egyptian court's jail sentences of** three Al Jazeera **journalists** -- Australian Peter Grete, and Egyptian-Canadian Mohamed Fahmy for seven years and Egyptian Baher Mohamed for 10 years -- for allegedly reporting false news and aiding terrorists. A sentence with no legitimate evidence backing their charges, the Egyptian courts decision sparked worldwide outrage and **made US government officials concerned about the democratic transition in Egypt. The White House publicly condemns the sentences** with Press Secretary Josh Earnest telling reporters that the verdict was a "blow to democratic progress in Egypt." **Secretary of State John Kerry** goes further into public disapproval of the sentencing and **said that the "verdicts fly in the face of the essential role of civil society, a free press, and the real rule of law"** and that press freedom is measure of a democratic society. These statements by the administration are encouraging and ring true to the needs of both the Egyptian and the American people, **but it's unsure whether they are in the right position to point their finger just yet.** Both the Bush and Obama administration have gone to unprecedented lengths to block or hinder the role of journalists and made government transparency a hard feat for American **journalists.** From classifying government documents as confidential when there was no evident threat of their release, to violations of the Freedom of Information Act, increased measures of surveillance and their unparalleled use of the Espionage Act in prosecuting media leaks, their showmanships ring hypocrisy rather than true acknowledgement of the necessity of press freedom. In the United States, nearly a decade after Miller's noble sacrifice, journalism is still under attack. There's no other way to put it. **Facing an eerily similar case, James Risen of the New York Times is facing jail time for refusing to identify a confidential source after the Supreme Court decided to turn down an appeal from him** earlier this month. **The Supreme Court gave no reasons for their decision to refuse an appeal,** but sided with the government in what "prosecutors said was an imperative to secure evidence in a national security prosecution and what journalists said was an intolerable infringement of press freedom." Risen was put into the spotlight for communicating with former CIA Officer Jeffrey Alexander Sterling on leaks regarding the CIA's Operation Merlin in 2000 that eventually led to massive blowback and aided Iran in its nuclear weapons program. The email and phone connections between Sterling and Risen were monitored by the US federal government and eventually ended with Risen being subpoenaed by the Bush administration. Although Risen fought the subpoena until its expiration in the summer of 2009, the Obama administration took a "rare step" by renewing the subpoena in 2011. **The Justice Department made another blow to press freedom in 2010 by collecting telephone records of Fox News Washington Correspondent James Rosen and labeling him as a "criminal co-conspirator"** when former State Dept contractor Stephen Jin-Woo Kim disclosed information that North Korea might test a nuclear bomb. They went to further lengths of investigating Rosen by tracking the journalist's visits to the State Department through his security badge access records, tracing the timing of his phone calls with Kim, and obtaining a search warrant, personally signed by Attorney General Eric Holder, for the reporter's personal e-mails. The surveillance came about a week after leaks proved that federal investigators obtained records of Associated Press journalists' telephone lines for over two months. And now, the most aggravating aspect of press freedom is that other media networks and congressional members are allying with the administration over a journalist's relationship with a government intelligence whistle-blower. **Immediately after the Guardian published leaks provided by Edward Snowden about the National Security Agency's PRISM program, journalists like NBC's David Gregory questioned Glenn Greenwald's involvement in the report** by inquiring why he wasn't prosecuted for aiding and abetting the felon. The New Republic **accused Greenwald of having some secret agenda as an attempt to discredit his journalistic integrity.** Congressional members like Peter King and Mike Rogers **demanded that "legal action should be taken against him"** and referred to him as a "thief who sells stolen material." **The Obama administration and the US government agencies often make claims that journalists**

who publish leaks pertaining to government intelligence are causing harm and costing American lives, but cannot provide any evidence of such statements. This was the case for Rosen and Risen, and

Greenwald is no exception.

When WikiLeaks created an international scandal, US officials rushed to make the warning that the documents could lead to the endangerment of American lives. However, McClatchy reported four years ago that US officials conceded that they have no evidence to date that documents led to anyone's death. Still, the same former argument is being used again today against Greenwald by intelligence agency officers, congressional members, and disgracefully, journalists. The former Guardian journalist was confronted with the same accusations of costing American lives by Shepard Smith and Paul Rieckenhoff, but there is yet to be evidence or government officials rushing to release information that there is evidence or documentation to prove such accusation. The US government's lack of evidence to make such claims and for them, and journalists, to stand by it is just as absurd as the Egyptian government's use of a horse clip of Arabic Sky News as evidence that the three journalists from Al Jazeera are guilty of aiding terrorists. The handiwork of investigation is essential evidence of the significance of a free press. The institution of the fourth estate is the barrier between a government that serves for its people and the government that enslaves the people. Journalists are at the forefront of protecting the liberties and ensuring the transparency of our leaders, but reporters can't preserve a democratic society if their government denies the fundamental rights of a free press. Journalists need to be assured that they are protected by all threats and costs from doing their job, and this should ring true within the media industry in itself. Journalists like Greenwald should not be without the solidity of other journalists and networks if they truly care for the state of their role in a civil society. The simple profession of reporting -- always asking questions, observing, providing context, and recording even the minuscule actions -- is not a skill that can be easily replaced. The simple profession of reporting, of journalism, is the might of justice for the people and by the people.

The story of American journalists, from Miller to Risen and from Rosen to Greenwald, is one that must not be overlooked or cast aside. John Kerry and John Earnest are right when they state that press freedom is vital for a democracy, but it's about time that the Obama administration and the US government stand by those words on the homefront.

Whistleblowers Advantage

General Extensions

1AC/2AC Whistleblowers K Solve

Governmental regulations aren't enough – whistleblowers provide an essential check to ensure environmental enforcement

Becker 14

(Emily, J.D. cum laude, Harvard Law School, "Calling Foul: Deficiencies in Approaches to Environmental Whistleblowers and Suggested Reforms," 6 Wash. & Lee J. Energy, Climate & Env't. 65pg online @ <http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1085&context=jecesum-ef>)

Though regulating any industry is difficult, regulating the environmental industry poses unique challenges.⁵⁵ Whistleblowers are important in all sectors, but whistleblowers play a crucial role in the environmental sector.⁵⁶ Though all whistleblowers face obstacles, there is a particular subset of challenges that many whistleblowers in the environmental sector must face.⁵⁷ This subsection explains: (1) the challenges of regulating the environmental sector,⁵⁸ (2) the potential for whistleblowers to increase compliance with environmental regulations,⁵⁹ and (3) the unique difficulties environmental whistleblowers face.⁶⁰

1. Challenges of Regulating the Environmental Sector The environmental sector is difficult to regulate because: (1) environmental dangers can be hard to monitor;⁶¹ (2) enforcement of environmental regulations tends to be costly and is often dependent upon industry self-reporting;⁶² (3) regulated entities often have a financial incentive not to comply with environmental laws;⁶³ and (4) environmental harm is timesensitive and difficult to reverse.⁶⁴ Part of this difficulty enforcing environmental regulations comes from the very nature of environmental harms, which tend to be hard to detect and trace back to their source.⁶⁵ Another challenge comes from the fact that emission levels may vary over space and time.⁶⁶ A further challenge comes from the fact that many small polluters that are individually difficult to monitor can collectively pose a very real threat.⁶⁷ These difficulties make environmental controls highly technical, posing another challenge: **Regulators must have expertise and access to hightech tools to establish effective pollution regulation controls based on the type of pollutant**.⁶⁸ Because of the challenges of enforcing environmental regulations, government-regulated monitoring efforts are expensive.⁶⁹ In an effort to reduce the cost of enforcement, some regulatory approaches, such as subsidies, deposit-refunded systems, and information disclosure, shift the burden of proof onto the regulated industry.⁷⁰ Though less costly, these approaches make regulators dependent on industry self-reporting and create the potential for an industry to misreport its pollutant levels.⁷¹ The potential that self-reported data will be misreported or that industries will subvert official monitoring by engaging in illegal practices, such as tampering with monitoring equipment or dumping illegally, poses a serious threat because industries often profit from noncompliance.⁷² Under the theory of efficient breach, companies may be willing to break environmental laws where noncompliance is less costly than compliance because regulations go under-enforced.⁷³ Not only are environmental harms hard to monitor, costly to regulate, and susceptible to "efficient breach," environmental harms are also time-sensitive.⁷⁴ Indeed, environmental harms jeopardize public health, and the longer harms continue, the greater health risk these harms pose. ⁷⁵ Moreover, it is usually far easier to prevent an environmental harm than to clean up after one; some **environmental harms are effectively irreversible**.⁷⁶ Thus, regulators often need to act quickly to be effective.

2. Whistleblowers Can Facilitate Regulation of the Environmental Sector Whistleblowers can help regulators overcome the aforementioned challenges. First, whistleblowers that work as employees of regulated industries have the technical skills and knowledge that make them effective internal monitors.⁷⁷ Moreover, whistleblowers increase compliance with little or no additional cost to the taxpayer because they are private citizens rather than official monitors.⁷⁸ By increasing "the likelihood that polluters will be penalized,"⁷⁹ whistleblowers can quell the danger of efficient breach by helping to ensure that noncompliance is more costly than compliance.⁸⁰ Finally, internal whistleblowers often learn of violations as they are happening and can act quickly to contain or even prevent a time-sensitive environmental harm.⁸¹ Likewise, whistleblowers in the media can write a quick article that alerts community members of potential threats before regulators have time to act.⁸² In these ways, environmental whistleblowers have the potential to increase compliance with environmental laws.

3. Challenges Faced by Environmental Whistleblowers Despite the need for whistleblowers in the environmental sector and the financial savings they can provide, several features of the environmental sector make being an whistleblower especially challenging.⁸³ One problem is that most definitions of who is considered a "whistleblower" cover only individuals who report on traditional types of misconduct, such

as waste, fraud, abuse of authority, and actions that pose an imminent threat to public health and safety.⁸⁴ However, potential environmental whistleblowers often encounter wrongdoing not covered by protective statutes, such as the suppression of results of emissions analyses and the use of skewed methodologies or inferior data.⁸⁵ Relatedly, because scientific findings can be uncertain and contentious, potential environmental whistleblowers may be unclear as to whether they can or should publish controversial work in journals or newspapers.⁸⁶ Second, the environmental sector has what is known as a “revolving door” problem, a phrase that describes how individuals often work both as regulators and as employees of regulated industries during their career.⁸⁷ Though there is a benefit to having experience in both sectors, often “revolving-door officials develop or direct policies that benefit a former or prospective employer.”⁸⁸ Even those that do not actively attempt to benefit an employer may be unduly cautious in what they are willing to say or do because they are concerned about their job prospects.⁸⁹ Third, while whistleblowers in other industries may be able to stop wrongdoing by reporting internally, it is much more difficult for environmental whistleblowers to rely on internal reporting alone. This is because unlike other types of wrongdoing, environmental wrongdoing often has adverse effects on third parties and often creates lingering harms. ⁹⁰ Thus, environmental whistleblowers that report internally may inadvertently enable their employers to avoid compensating third-party victims or to avoid paying the costs of environmental cleanup.⁹¹ To ensure that the situation is fully remedied, environmental whistleblowers therefore often need to report externally or otherwise publicize the wrongdoing.⁹²

Key to Enforcement

And, they are key to ensure compliance with federal laws

Becker 14

(Emily, J.D. cum laude, Harvard Law School, "Calling Foul: Deficiencies in Approaches to Environmental Whistleblowers and Suggested Reforms," 6 Wash. & Lee J. Energy, Climate & Env't. 65pg online @ [//um-ef](http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1085&context=jecce))

Whatever the whistleblower's motives for reporting, and society's view, whistleblowers are absolutely necessary and essential to help protect public interests in this country. In the past, whistleblowers have exposed a multitude of scandals, injustices and illegal activities in the government and in private organizations.³⁰ Furthermore, **the government depends on whistleblowers to help enforce public laws.**³¹ Whistleblowers serve as "much needed" supplements to the government's efforts to gain compliance with the laws.³² The United States has some of the "most stringent environmental laws of all industrialized nations."³³ **Despite strict environmental laws, and strict enforcement, there is widespread non-compliance and failed enforcement by government regulators.**³⁴ Compliance with environmental laws is essential to "maintain or improve existing living conditions, and benefits public health and safety."³⁵ Environmental laws are designed to be and sometimes are the only safeguards between society and dangerous pollutants.³⁶ **However, environmental laws are not effective when they are not adequately enforced.**³⁷ One aspect associated with the difficulty of enforcement of environmental laws is the high cost of uncovering environmental non-compliance and gathering the evidence of noncompliance.³⁸ Employees of organizations are in an excellent position to point out noncompliance. Employees are the most familiar with their workplace and have the most knowledge regarding that what goes on there.³⁹ Congress has found that employees are one of the best sources of information to find out "what a company is actually doing."⁴⁰ Whistleblowers often "know more than the best conceived government inspection system."⁴¹ Sometimes, management and governmental authorities, despite having knowledge of the legal standards and operations of the respective organizations, do not know when or how violations are occurring.⁴² Occasionally, only the employees are actually in a position to report the violations.⁴³ Generally, as reporting increases, compliance with environmental laws increases as well. Reporting is proven to "dramatically increase compliance with the environmental laws."⁴⁴ Not only that, the costs of enforcement goes down as well.⁴⁵ Whistleblowers aid in achieving compliance without requiring any additional public funding.⁴⁶ Congress has recognized this savings evidenced by the inclusion of whistleblower protection in at least eight of its environmental acts.⁴⁷

Warming/Environment Stuff

1AC/2AC CAA Solves Warming

And, momentum from Obama, the courts, the CAA, and international cooperation means we'll prevent catastrophic warming now, but effective implementation of the Clean Air Act and U.S. Environmental Laws are key

Doniger 14

(David, is director and senior attorney for NRDC's climate and clean air program in Washington, D.C. law degree and a master's degree in city and regional planning from the University of California at Berkeley and a B.A. in history from Yale University, David rejoined NRDC in 2001 and represented NRDC in a string of climate change cases, including Massachusetts v. EPA, "The Clean Air Act and Climate Change: Where We've Been and Where We're Going," pg online @ http://switchboard.nrdc.org/blogs/ddoniger/the_clean_air_act_and_climate.html //um-ef)

I thought we should start by reflecting on where we are right now. This month is only half over, but it has already seen two momentous events in the long struggle over using the Clean Air Act to curb the carbon pollution that's driving dangerous climate change. On the one hand, the leaders of the new Republican majority in the next Congress are trumpeting their climate denial and their determination to block President Obama's Climate Action Plan at every turn – in particular his proposed standards to put the first limits on carbon pollution from the nation's power plants. On the other hand, President **Obama has signaled his determination to move ahead with more climate actions within his authority under the Clean Air Act and other current laws**. And, in a major boost for prospects of reaching an international climate agreement in Paris a year from now, **the President reached an historic pact with China that commits both countries to significant action and sets a new target for deeper U.S. carbon reductions by 2025**.

Where will this lead? Who will win the coming confrontation between the President and Congress? I'll offer some thoughts on the future, but first let's spend a few minutes on the nearly 50-year journey with the Clean Air Act that got us here. Our story begins way back in 1965. I was just entering high school and had no clue about any of this. But as far back as 1965, when Congress first enacted pollution standards for motor vehicles, some Congressmen were thinking about climate change. Congressman Henry Helstoski of New Jersey stated: "It has been predicted that by the year 2000, the amount of atmospheric carbon dioxide may have increased by about fifty percent, and many believe that this will have a considerable effect on the world's climate." Roll forward to 1970, when the modern Clean Air Act was born. President Richard Nixon formed the Council on Environmental Quality and charged it to report to Congress on the nation's environment. Chapter 5 of CEQ's first annual report was devoted to CO2-driven warming of the planet. And Congress took notice. Senator Caleb Boggs of Delaware placed the global warming chapter into the Congressional Record. More importantly, the authors of the Clean Air Act, led by Senators Edmund Muskie of Maine and Howard Baker of Tennessee, expressly included pollution's effects on "climate" or "weather" in the definition of what constituted an adverse effect on public "welfare." In this way, climate was built into the fundamental architecture of the 1970 Clean Air Act. You see, the far-sighted architects of the Clean Air Act built it to last. It was built not just to address the pollution problems that were front and center in 1970, but also to equip the EPA to respond when science identifies new problems rising over the horizon. So whenever the EPA administrator finds that a pollutant poses a danger to public health or welfare, various standard-setting provisions of the Act place the administrator under a mandatory duty to regulate the emissions of that pollutant, whether from power plants, vehicles, or factories. The agency has used that endangerment authority to confront new threats, like lead, fine particles, and ozone-destroying chemicals, as science has revealed their dangers. And that authority was there to be used a few decades later when the dangers of climate change really came to the fore. Now a word about my entry into the picture. I was first turned on to the Clean Air Act in the mid-1970s, at law school at the University of California, Berkeley. At first, I was mostly interested in the problems of urban smog, vehicle emissions, and toxic pollutants from factories. I was lucky enough to join the staff of NRDC, and before I knew it, at the ripe old age of 33 in 1984, I found myself arguing Chevron v. NRDC – a case you may have heard of – before the Supreme Court. I thought I'd won, but I lost, 6-0. More about Chevron in a moment. After picking myself up off the floor, I caught the bug for tackling global pollution – first in the form of the chlorofluorocarbons, or CFCs, that deplete the stratospheric ozone layer. To make that story short, NRDC used the endangerment provisions of the Clean Air Act to force EPA to take action on CFCs, and I worked with many others to forge the Montreal Protocol, the highly successful treaty that protects the ozone layer. This took place, amazingly enough, during the Reagan and first Bush administrations. I also helped shape and start implementing the 1990 Clean Air Act amendments. I left NRDC to serve in government in the Clinton years, mostly at EPA. I was privileged to be part of the administration's climate strategy team and a negotiator of the Kyoto Protocol. Well, Kyoto itself didn't go forward in the U.S., thanks to the denials in another Republican Congress, but seeds of progress were sown. At EPA in the late 1990s, I wrote an interagency memo, blessed by my higher-ups, explaining that the Clean Air Act already authorized – indeed required – EPA to curb carbon pollution if the administrator determined that it endangers public health or welfare – that climate-referencing term I spoke of a few minutes ago. That memo was promptly leaked to the trade press by another agency, and my boss, Administrator Carol Browner, found herself answering questions about it before a House appropriations committee. "I demand a legal opinion," thundered Tom DeLay, later the House majority leader known as "The Hammer." Browner complied, of course, and EPA's general counsel, John Cannon, produced a legal opinion that the Clean Air Act does indeed cover the pollution that drives climate change. After Bush v. Gore, however, I needed to find other employment, and I returned to NRDC to continue working on climate. The early '00s were definitely a low point. Under the second President Bush, EPA rescinded the Cannon legal opinion and pronounced its view that carbon and climate lay totally outside the Clean Air Act. So NRDC joined with 15 states and more than a dozen other environmental groups to challenge this decision in Massachusetts v. EPA. In a landmark 2007 ruling, the Supreme Court overruled the Bush administration, 5-4. Echoing the Cannon legal opinion, the High Court held that Clean Air Act covers the carbon pollution coming from cars, and that EPA is obligated to set emission standards act if the administrator finds that pollution to endanger health or welfare. The Court ordered EPA to make a new decision, following the science and the law. The Supreme Court has twice since reaffirmed Massachusetts – first in 2011 in American Electric Power v. Connecticut, a case about power plants, and again

in 2014 in denying review of dozens of rear-guard petitions to reconsider those holdings, flying under the banner of Utility Air Regulatory Group v. EPA. But back to our chronology. **When the Obama administration came to office, the stage was set for action**. In the President's first term, his EPA and Department of Transportation set landmark clean car and fuel economy standards, under the Clean Air Act and the CAFE law, that will double the miles-per-gallon of new vehicles and cut their carbon pollution in half by 2025. The President also sought, but did not get, new climate legislation. The Waxman-Markey bill would have added to the Clean Air Act a "cap and trade" program for industrial sources of carbon pollution, including power plants. The bill passed the House and had majority support in the Senate – but not the necessary 60 votes. That left the Clean Air Act as it was. So **in the second term, with a different Congress and no prospect of helpful legislation**, President **Obama stepped up to the challenge of tackling climate change under the clean air and energy laws already on the books**. He issued his Climate Action Plan in June 2013. The plan includes many actions, but the heart of **the plan is using the Clean Air Act to put the first-ever national limits on carbon pollution from the fleet of existing power plants**. They are the nation's largest carbon polluters, together accounting for more than 2 billion tons of CO2 per year, 40% of the nation's total. **The Clean Power Plan**, proposed last in June, **will cut power plant carbon pollution** an estimated **26% from 2005 levels by 2020, and 30% by 2030**. It shares two key features with an innovative plan that NRDC launched in 2012: First, it sets different standards for each state,

reflecting their different mix of coal-fired, gas-fired, and other generating resources. Second, it establishes a flexible "system-based" approach that incorporates the clean-up potential from across the electric grid: improvements at individual plants, using cleaner resources more and dirty ones less, ramping up zero-carbon power sources like wind and solar (and nuclear), and energy efficiency measures that reduce how much electricity we need to generate in the first place. Already EPA has reached out to thousands of stakeholders, from state environmental and energy officials and power companies to environmentalists, clean energy businesses, labor, and many others. There are many supporters and many detractors. And there will be a big legal fight after the rules are issued next summer over whether EPA has authority for its plan under a particular part of the Clean Air Act, section 111(d). Here's where Chevron comes back to the fore. Chevron stands for the proposition that when laws like the Clean Air Act are crystal clear – unambiguous – the agency charged with implementing them must, of course, follow that clear meaning. But Chevron, and an important case the Court decided last April, EME Homer City v. EPA, stand for another proposition. Laws like the Clean Air Act are not always crystal clear. They often use broad or ambiguous terms that, the Court says, delegate to the agency the job of filling in the details or making necessary policy decisions. Where there is room for interpretation in the law's terms, the courts will defer to the implementing agency's reading if it gives a reasonable interpretation. The Homer City case emphasizes the importance of Chevron deference when dealing with Clean Air Act provisions that charge EPA with addressing and solving new problems as they arise. For these

reasons, **I am bullish that the courts** – the D.C. Circuit and, if it goes there, the Supreme Court – **will uphold EPA's interpretation** of Section 111(d) and its

application to the problem of power plant carbon pollution. **Thus the Clean Power Plan's main challenges, in my opinion, are in the**

political arena, and that brings us back to the momentous events of the first half of this month. In past Congresses, those who claim climate change is a hoax and those who decry a "war on coal" have lacked the votes to pass legislation to block action. Bills have passed the House, but died in the Senate. To be sure, with a Republican Senate majority, there will be determined efforts to pass free-standing bills, budget riders, and other

legislation. But **I am confident that these bills to block the power plant standards or other parts of the Climate**

Action Plan will lack the necessary 60 votes even in the new Senate. And I am also confident that if something does pass – because there are a few

types of legislation that need only a simple majority – neither the House nor the Senate will have the 2/3rds majority required to override a presidential veto. It's possible that Congressional leaders will resort to extreme tactics, like attaching EPA-blocking legislation to appropriations bills or continuing resolutions needed to keep the government running, and daring the President to veto them. Senator McConnell, however, has already said there will be no government shutdowns or debt defaults on his watch. Rep. Rogers, head of the House appropriations committee, warned recently against taking hostages you can't shoot. Senator McConnell is no doubt aware of two things: (1)

that the American public has consistently blamed Republicans for past shutdowns, and (2) that **the EPA, the Clean Air Act, and curbing carbon pollution are –**

to his consternation – **highly popular with the same American public**. This bears underlining. A wide range of polling, in blue, purple, and even red states, consistently shows strong support – usually 60-70 percent – for EPA standards to limit dangerous carbon pollution from power plants and other industries. Support levels are strong – often majorities even among Republicans – even when respondents are

prompted with dire messages of economic impact. **The U.S.-China agreement adds another factor**. A year from now countries will gather in Paris in another attempt to forge

an international climate agreement. This agreement will succeed where others have failed if the world's largest economies and carbon polluters can agree to meaningful, mutually acceptable national commitments. **Most**

of the major emitting countries have strong reasons to take action. But each needs to know that the other major players are in the game. **The**

United States has not always been in the game. But President **Obama's Climate Action Plan, and the power**

plant standards in particular, **have been instrumental in convincing other countries that after all this**

time, the United States is finally playing, doing its part. These **actions under the Clean Air Act and other existing**

laws have restored our credibility and our leverage. The Chinese have taken notice. Without the Climate

Action Plan, it would have been impossible for the two giants – the world's #1 and #2 emitters – to work

out the agreement announced earlier this month. To be sure, the emission reduction commitments from these two countries, even if matched by all others, are not

sufficient to protect the planet from unacceptable climate change. We will need faster reductions, and we will work hard for them. But **the journey has begun. The gridlock has**

been broken. The chances for a Paris agreement went way up this week. Senator McConnell and other Republicans have lashed out at the U.S.-China agreement so harshly, I think, out of frustration. They know that

it moves the climate issue from the realm of mere domestic policy into the realm of foreign affairs. If your bill will undermine not only the EPA, but also the U.S.-China relationship and more, you are at a double disadvantage. So

call me an optimist, but I think that **with the President's continuing leadership we will be able to keep making progress on**

climate change even during the next Congress. And as everyone here knows, Republicans face a daunting Senate electoral map in 2016, when they will also face a presidential-

year electorate, not the smaller off-year electorate that came out this year. Climate will be a bigger factor in the next election than ever before.

Warming Impact 1AC

Warming is real, anthropogenic and causes extinction

Flournoy 12 -- Citing Feng Hsu, PhD NASA Scientist @ the Goddard Space Flight Center. Don Flournoy is a PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University (Don, "Solar Power Satellites," January, Springer Briefs in Space Development, Book, p. 10-11

In the Online Journal of Space Communication , Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, "The evidence of global warming is alarming," noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010) . Hsu and his NASA colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth's atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world's scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth's biosphere, humanity will be at dire risk (Hsu 2010) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. "This," he writes, "is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances" (Hsu 2010)

2AC/1AR EPA Solves

Current EPA regulations solve warming and international climate change agreements

The Boston Globe 14 – Editorial Board, “Finally, US gets serious about climate change”

<http://www.bostonglobe.com/opinion/editorials/2014/06/02/epa-carbon-rules-offer-new-credibility-climate-change/9W26OzgFZolqC2YzyYQHQI/story.html>

THE **NEW regulations** on power plant emissions announced yesterday by President **Obama’s Environmental Protection Agency** **mark the nation’s first truly serious assault on climate change.** The proposed **rules**, which will be subject to a four-month comment period, **call for cutting carbon emissions from existing power plants by 30 percent within 15 years.** **It’s a** workable, **realistic goal that will spur investment in low-emission energy technology**, including wind and solar power. **Phased** in over a long enough period **to minimize economic damage**, it would nonetheless **achieve a reduction** in carbon emissions **equivalent to taking** nearly **two-thirds of the nation’s passenger vehicles off the road.** **The clearer air should** save thousands of lives and **tens of billions of dollars in health benefits.** And it would finally **give the United States** **the credibility to push other countries, including fast-growing, fast-polluting China, to enact similar measures.** It is, in every sense, a major step — and a long overdue and welcome one. The announcement yesterday follows Obama’s 2011 agreement with automakers to build cars that average 54.5 miles per gallon by 2025. But as important as fuel efficiency in automobiles may be, **power plants are the largest concentrated source of carbon dioxide emissions.** **The EPA’s new power-plant rules will reduce overall emissions by at least 80 times more metric tons of carbon than the regulations for cars.** Almost all **credible reports suggest the world is passing the point where it can reverse** or eliminate, global **warming.** **But that only means it’s more urgent than ever to push for historic carbon reductions.** Nonetheless, **many politicians** — including the usual global-warming deniers and those from both parties in fossil-fuel-producing states — **rushed to claim the new rules would cause steep economic damage.** Republican Senate leader Mitch McConnell of coal-state Kentucky laughably warned of a “unilateral dismantling of our own economic supremacy.” **That’s refuted by the entire history of environmental protection**, in which self-interested **businesses and doomsayers predicted huge economic costs to the landmark clean-air and clean-water regulations of the ’70s, only to see more jobs created in the technology boom that followed the new regulations.** The hundreds of thousands of families heading to clean Boston-area beaches this summer should go back and read all the dubious predictions of economic collapse when clean-water rules were first unveiled four decades ago. In a wise move, **the EPA is not dictating to states how to get to their prescribed reductions, and is giving them two years to submit plans of action.** **Some**, such as Massachusetts, **already have relatively low emissions**, and thus might choose to adopt more wind and solar energy to achieve greater reductions. **Higher-polluting states may choose to replace filthy coal plants with cleaner natural-gas plants.** **Other regions could emulate the Northeast’s cap-and-trade plan**, in which plants that are able to achieve superior reductions can benefit by essentially selling the right to pollute to higher-emissions plants. **This system**, which **ensures** that **emissions get cut in the most economically efficient way**, has helped foster dramatic reductions in carbon dioxide emissions since it was implemented in 2009. **Energy prices have fallen 8 percent over that period, while the private sector has rushed in to fund energy-efficiency technology and alternative fuels.** **What worked here can work in other places, as the entire nation prepares for a historic conversion from a fossil-fuel economy to one based largely on renewable energy.** **The EPA’s plan is a vital first step.**

AT: Adaptation Solves

Warming will happen faster than they think – makes adaptation impossible

Jamail 2013

Dahr, independent journalist, is the author of the just-published Beyond the Green Zone: Dispatches from an Unembedded Journalist in Occupied Iraq, citing tons of super qualified people, “The Great Dying” redux? Shocking parallels between ancient mass extinction and climate change, Salon, December 2013,

http://www.salon.com/2013/12/17/the_great_dying_redux_shocking_parallels_between_ancient_mass_extinction_and_climate_change_partner/

Climate-change-related deaths are already estimated at five million annually, and the process seems to be accelerating more rapidly than most climate models have suggested. Even without taking into account the release of frozen methane in the Arctic, some scientists are already painting a truly bleak picture of the human future. Take Canadian Wildlife Service biologist Neil Dawe, who in August told a reporter that he wouldn't be surprised if the generation after him witnessed the extinction of humanity. All around the estuary near his office on Vancouver Island, he has been witnessing the unraveling of “the web of life,” and “it's happening very quickly.” “Economic growth is the biggest destroyer of the ecology,” Dawe says. “Those people who think you can have a growing economy and a healthy environment are wrong. If we don't reduce our numbers, nature will do it for us.” And he isn't hopeful humans will be able to save themselves. “Everything is worse and we're still doing the same things. Because ecosystems are so resilient, they don't exact immediate punishment on the stupid.” The University of Arizona's Guy McPherson has similar fears. “We will have very few humans on the planet because of lack of habitat,” he says. Of recent studies showing the toll temperature increases will take on that habitat, he adds, “They are only looking at CO2 in the atmosphere.” Here's the question: Could some version of extinction or near-extinction overcome humanity, thanks to climate change — and possibly incredibly fast? Similar things have happened in the past. Fifty-five million years ago, a five degree Celsius rise in average global temperatures seems to have occurred in just 13 years according to a study published in the October 2013 issue of the Proceedings of the National Academy of Sciences. A report in the August 2013 issue of Science revealed that in the near-term Earth's climate will change 10 times faster than at any other moment in the last 65 million years. “The Arctic is warming faster than anywhere else on the planet,” climate scientist James Hansen has said. “There are potential irreversible effects of melting the Arctic sea ice. If it begins to allow the Arctic Ocean to warm up, and warm the ocean floor, then we'll begin to release methane hydrates. And if we let that happen, that is a potential tipping point that we don't want to happen. If we burn all the fossil fuels then we certainly will cause the methane hydrates, eventually, to come out and cause several degrees more warming, and it's not clear that civilization could survive that extreme climate change.” Yet, long before humanity has burned all fossil fuel reserves on the planet, massive amounts of methane will be released. While the human body is potentially capable of handling a six to nine degree Celsius rise in the planetary temperature, the crops and habitat we use for food production are not. As McPherson put it, “If we see a 3.5 to 4C baseline increase, I see no way to have habitat. We are at .85C above baseline and we've already triggered all these self-reinforcing feedback loops.” He adds: “All the evidence points to a locked-in 3.5 to 5 degree C global temperature rise above the 1850 ‘norm’ by mid-century, possibly much sooner. This guarantees a positive feedback, already underway, leading to 4.5 to 6 or more degrees above ‘norm’ and that is a level lethal to life. This is partly due to the fact that humans have to eat and plants can't adapt fast enough to make that possible for the seven to nine billion of us — so we'll die.” If you think McPherson's comment about lack of adaptability goes over the edge, consider that the rate of evolution trails the rate of climate change by a factor of 10,000, according to a paper in the August 2013 issue of Ecology Letters. Furthermore, David Wasdel, director of the Apollo-Gaia Project and an expert on multiple feedback dynamics, says, “We are experiencing change

200 to **300 times faster than any of the previous major extinction events**." Wasdel cites with particular alarm scientific reports showing that the oceans have already lost 40% of their phytoplankton, the base of the global oceanic food chain, because of climate-change-induced acidification and atmospheric temperature variations. (According to the Center for Ocean Solutions: "The oceans have absorbed almost one-half of human-released CO2 emissions since the Industrial Revolution. Although this has moderated the effect of greenhouse gas emissions, it is chemically altering marine ecosystems 100 times more rapidly than it has changed in at least the last 650,000 years.") "This is already a mass extinction event," Wasdel adds. "The question is, how far is it going to go? How serious does it become? If we are not able to stop the rate of increase of temperature itself, and get that back under control, then a high temperature event, perhaps another 5-6 degrees [C], would obliterate at least 60% to 80% of the populations and species of life on Earth."

AT: Can't Solve Warming

They're sufficient – they will reduce the most significant source of emissions

Atkin 8/6/14 – Emily, reporter for Climate Progress, “Twelve States Are Suing The EPA Over Its Attempt To Fight Climate Change” <http://thinkprogress.org/climate/2014/08/06/3468124/states-suing-epa-over-carbon-rules/>

Regulating carbon emissions from coal plants will be the most significant thing America has ever done to combat climate change. The electricity sector is the largest source of greenhouse gas emissions here, and dropping those 25 percent in 6 years amounts to a reduction of roughly 300 million tons of CO2 each year. While coal has traditionally been the largest source of electricity generation in the United States for more than 60 years, its dominance has already been rapidly declining without the help of these regulations. Coal's annual share of total net generation declined from nearly 50 percent in 2007 to 39 percent in 2013, according to the U.S. Energy Information Administration. At the same time, total renewable energy generation has increased by 50 percent in that time frame, with 13 percent of all U.S. electricity coming from renewable sources in 2013.

The threshold for cooperation is low – only a handful of countries are necessary – EPA regulations are key

Bullis 14 – Kevin, staffwriter at the Technology Review, “EPA to Take Biggest Step Ever to Fight Climate Change” <http://www.technologyreview.com/news/527536/epa-to-take-biggest-step-ever-to-fight-climate-change/>

The EPA has already taken steps to reduce emissions from cars by establishing new fuel economy regulations. After the power plant regulations, it will likely move on to other sectors of the economy. “If we needed to, **we could get where we need to go with emissions reductions using a regulatory framework,**” Ceronsky says. “It's the single greatest opportunity under existing authority **to drive down emissions of greenhouse gases.**”

Unilateral EPA regulations are sufficient – key to international climate agreement

Krugman 14 – Paul, Professor of Economics @ MIT, “Crazy Climate Economics” http://www.nytimes.com/2014/05/12/opinion/krugman-crazy-climate-economics.html?hpw&rref=opinion&_r=0

What about the argument that unilateral U.S. action won't work, because China is the real problem? It's true that we're no longer No. 1 in greenhouse gases — **but we're still a strong No. 2. Furthermore, U.S. action on climate is a necessary first step toward a broader international agreement, which will surely include sanctions on countries that don't participate.**

The negotiations for it will succeed – everyone is on board to boost clean tech and carbon reductions around the world

Talbot 12/16/14 – David, staffwriter for Technology Review, “Lima Climate Accord Might Boost Renewables” <http://www.technologyreview.com/news/533581/lima-climate-accord-might-boost-renewables/>

The United Nations climate negotiations that concluded over the weekend in Lima, Peru, included an agreement among 190 nations—rich and poor—to develop action plans over the next several months outlining how they will work to avert climate change. **It is the first time so many nations have agreed to make such commitments.** This means **more nations are likely to draft plans that embrace clean-tech innovation and renewable energy** in advance of a hoped-for climate agreement in Paris next year, policy experts say. “We see a clear role for setting bold renewable-energy targets that can cut emissions while **boosting economic growth and energy diversity around the world,**” says Risa Edelman, director of international programs at the American Council on Renewable Energy, an industry group based in Washington, DC. The action plans are supposed to include statements about how each nation will reduce greenhouse-gas emissions. They can include numerical reference points such as the time frame for reductions and a statement of how emissions will be calculated. **The deadline for submission is the end of March 2015, with a second deadline in June for any stragglers.** Robert Stavins, an economist at Harvard’s Kennedy School of Government, says what’s most important is that **the Lima talks achieved a broad geographic scope of participation that did not exist before.** “Each agreement is no more than one step to be followed by others. And **most important now for ultimate success later is a sound foundation, which is what the Lima decision can provide,**” he wrote in a blog post on Monday. And while the details are vague, **the agreement seems likely to increase innovation,** says David Victor, director of the Laboratory of International Law and Regulation at the University of California, San Diego. “**This is a flexible system into which many more countries can, and will, be contributing efforts,**” he said. Victor predicts that “**many countries will include innovation policies in their pledges.**”

AT: Congress Derails

The challenges are doomed

Nucitelli 2/3 (Dana, The Guardian, citing NRDC Attorney Benjamin Longstreth and David Doniger, “Republicans have one option to eliminate EPA carbon regulations” <http://www.theguardian.com/environment/climate-consensus-97-per-cent/2015/feb/03/republicans-have-one-option-to-eliminate-epa-carbon-regulations>)

The US Environmental Protection Agency is in the process of creating regulations on carbon pollution from power plants, and Republicans in Congress hate the idea. Surprisingly, a majority of Republican voters support these regulations, with Tea Party members being the only exception. Nevertheless, Republicans in Congress badly want to kill those regulations. However, they're pursuing the avenues with the lowest chances of achieving that goal. It's important to remember that the EPA carbon pollution regulations are legally mandated. In 2007, the US Supreme Court ruled that if it determined that carbon pollution poses a threat to public health or welfare, the EPA would be required to regulate emissions of that pollution under the Clean Air Act. In 2009, the EPA issued its endangerment finding, citing several comprehensive climate science reports, correctly concluding that carbon pollution poses a threat to public health and welfare and must therefore be regulated. So while some Republicans in Congress have called the proposed carbon pollution regulations an “executive overreach,” in reality the EPA is simply implementing the law of the land. Doomed GOP Challenges. Senate majority leader Mitch McConnell (R-KY) introduced legislation last year to block the EPA regulations. But even if that bill could make it through Congress, it would face a certain veto by President Obama. There's another effort to challenge the EPA regulations in court. These recently made headlines because they involve Laurence Tribe, for whom Obama was a research assistant at Harvard. Tribe has argued that the EPA regulations violate Section 111(d) of the Clean Air Act, and the DC court of appeals has just agreed to hear the arguments. However, the chances of success for this legal challenge are extremely slim. NRDC attorney Benjamin Longstreth told me, I would not read anything into the Court's decision to schedule argument. The case has not even been briefed yet (that's ongoing) so the decision to schedule argument doesn't reflect anyone's view of the merits of the case (the judges who are going to decide the case won't even have the briefs yet) ... But it is important to remember that these cases are fatally premature (an issue that Tribe doesn't address). You can only challenge a final agency decision. Here the petitioners seek to challenge a proposed rule. Tribe's main argument lies in the claim that Section 111(d) of the Clean Air Act says that the EPA can't regulate an air pollutant if it's already regulating another pollutant from the same source. The EPA already regulates mercury emissions from power plants. However, this is an inaccurate reading of both the letter and intent of the law. Moreover, as Longstreth and his colleague David Doniger have explained, the Supreme Court has effectively already ruled on this issue (emphasis added). This is how the Supreme Court interpreted the provision in American Electric Power v. Connecticut. There the Court held that plaintiffs could not bring a federal tort action against major electric power companies for their emissions of carbon dioxide, because the Clean Air Act authorized EPA to regulate power plants' carbon dioxide pollution under Section 111(d).

The Democratic Party will filibuster

Chait 13 – Jonathan, commentator and writer for New York magazine, “Obama Might Actually Be the Environmental President” <http://nymag.com/news/features/obama-climate-change-2013-5/index3.html>

so the administration and its allies have been mobilizing for combat. It's not insignificant that Obama chose Denis McDonough, who has a deep background in climate change, to be his second-term chief of staff, or that he promoted Gina McCarthy, who oversaw the rewriting of EPA regulations in his first term, to run the department. Democratic Senators are vowing to block any House Republican attempt to

handcuff the EPA. Working in Obama's favor is the fact that Americans, while disturbingly blasé about climate change, favor federal regulation of greenhouse gases by huge majorities.

AT: Inevitable

Not inevitable but we need to act now

Harvey 13 (Fiona, "IPCC: 30 years to climate calamity if we carry on blowing the carbon budget",

<http://www.theguardian.com/environment/2013/sep/27/ipcc-world-dangerous-climate-change>)

The world's leading climate scientists have set out in detail for the first time **how much more carbon dioxide humans can pour into the atmosphere without triggering dangerous levels** of climate change – and concluded that **more than half of that global allowance has been used up**. **If people continue to emit greenhouse gases at current rates, the accumulation of carbon in the atmosphere could mean that within as little as two to three decades the world will face nearly inevitable warming** of more than 2C, resulting in rising sea levels, heatwaves, droughts and more extreme weather. **This calculation** of the world's "carbon budget" **was one of the most striking findings of the** Intergovernmental Panel on Climate Change (IPCC), the expert panel of global scientists who on Friday produced the most comprehensive assessment yet of our knowledge of climate change at the end of their four-day meeting in Stockholm. The 2,000-plus page report, written by 209 lead authors, also found it was "unequivocal" that global warming was happening as a result of human actions, and that **without "substantial and sustained" reductions** in greenhouse gas emissions **we will breach the symbolic threshold of 2C of warming**, which governments around the world have pledged not to do. **Ban Ki-moon**, the UN secretary-general, **urged world leaders to pay heed to the "world's authority on climate change" and forge a new global deal** on cutting emissions. "The heat is on. **Now we must act," he said**. John Kerry, the US secretary of state, said in a statement: "This is yet another wakeup call: those who deny the science or choose excuses over action are playing with fire." "Once again, the science grows clearer, the case grows more compelling, and the costs of inaction grow beyond anything that anyone with conscience or commonsense should be willing to even contemplate," he added. The IPCC also rebuffed the argument made by climate sceptics that a "pause" for the last 10-15 years in the upward climb of global temperatures was evidence of flaws in their computer models. In the summary for policymakers, published on Friday morning after days of deliberations in the Swedish capital, the scientists said: "Each of the last three decades has been successively warmer at the Earth's surface than any preceding decade since 1850. In the northern hemisphere, 1983-2012 was likely the warmest 30-year period of the last 1,400 years." Thomas Stocker, co-chair of the report working group, said measuring recent years in comparison to 1998, an exceptionally hot year, was misleading and that temperature trends could only be observed over longer periods, of about 30 years. Natural variability was cited as one of the reasons for warming being less pronounced in the last 15 years, and the role of the oceans in absorbing heat, which is still poorly understood. "There are not sufficient observations of the uptake of heat, particularly into the deep ocean, that will be one of the possible mechanisms that would explain this warming hiatus," said Stocker. But the most controversial finding of the report was its "carbon budget". Participants told the Guardian this was the last part of the summary to be decided, and the subject of hours of heated discussions in the early hours of Friday morning. Some countries were concerned that including the numbers would have political repercussions. **The scientists found that to hold warming to 2C, total emissions cannot exceed 1,000 gigatons of carbon**. Yet by 2011, more than half of that total "allowance" – 531 gigatons – had already been emitted. **To ensure the budget is not exceeded, governments and businesses may have to leave valuable fossil fuel reserves unexploited**. "There's a finite amount of carbon you can burn if you don't want to go over 2C," Stocker told the Guardian. "That implies if there is more than that [in fossil fuel reserves], that you leave some of that carbon in the ground." This raises key questions of how to allocate the remaining "carbon budget" fairly among countries, an issue that some climate negotiators fear could wreck the UN climate talks, which are supposed to culminate in a global agreement on emissions in 2015. Their other key findings in the report – the first such assessment since 2007 and only the fifth since 1988 – included: • Atmospheric concentrations of carbon dioxide, methane and nitrous oxide are now at levels "unprecedented in at least the last 800,000 years". • Global temperatures are likely to rise by 0.3C to 4.8C by the end of the century depending on how much governments control carbon emissions. • Sea levels are expected to rise a further 26-82cm (10-32in) by 2100. The wide variation in part reflects the difficulty scientists still have in predicting sea level rises. • The oceans have acidified, having absorbed about a third of the carbon dioxide emitted.

Uniq: Courts will Uphold

Multiple cases prove – courts will uphold CPP – Climate Action is inevitable

Doniger 15

(David, is director and senior attorney for NRDC's climate and clean air program in Washington, D.C. law degree and a master's degree in city and regional planning from the University of California at Berkeley and a B.A. in history from Yale University, David rejoined NRDC in 2001 and represented NRDC in a string of climate change cases, including Massachusetts v. EPA, "Clean Power Plan Foes Batting 0 for 6 in the Courts," pg online @

http://switchboard.nrdc.org/blogs/ddoniger/clean_power_plan_foes_batting_.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+switchboard_ddoniger+%28Switchboard%3A+David+Doniger%27s+Blog%29//um-ef)

It is becoming increasingly clear that foes of the Clean Power Plan have no more regard for our judicial system than for the health and welfare of American families. Since 2012, they have clogged the federal courts with six frivolous lawsuits against the Environmental Protection Agency's proposals to clean up the nation's power plants--the largest source of the carbon pollution that drives dangerous climate change. The latest suit, brought by the attorney general of Oklahoma, was tossed out of court last Friday. The polluters and their allies are now batting 0 for 6. These suits ran afoul of a fundamental principle of administrative law: federal courts may only review final agency regulations, not proposals. It is not until an agency takes "final action" that any requirements or obligations take effect. And it is only when an agency takes a "final action" that someone can challenge it in the federal courts. In short, the courts don't get involved until the agency has finished its job. Despite these clear principles of administrative law, the polluters and their allies have repeatedly tried to get the courts to weigh in on proposed power plant carbon pollution standards that EPA is still working on. In *Las Brisas Energy Center, LLC v. EPA* in 2012, power companies prematurely challenged EPA's proposed carbon standards for new plants. The Nebraska Attorney General tried the same thing in *Nebraska v. EPA* in 2014. And in three more cases filed last year (*In re: Murray Energy, West Virginia v. EPA*, and *Murray Energy v. EPA*), polluters and their state allies challenged the proposed Clean Power Plan for existing plants. The courts dismissed all five of these cases as premature for lack of any final agency action to review. In addition, the courts dismissed cases brought outside Washington for a second reason: under the Clean Air Act the U.S. Court of Appeals for the District of Columbia Circuit has exclusive jurisdiction to hear all challenges to final EPA standards of national scope, including these power plant rules, albeit only when they are final. Undeterred by this string of losses, the polluters and their allies tried to go after the Clean Power Plan again. On July 1st, Oklahoma Attorney General Scott Pruitt - represented by a private law firm with close ties to the energy industry and a leading conservative lawyer in unsuccessful challenges to Obamacare - brought lawsuit number six in the District Court in Tulsa. (For more on the "unprecedented, secretive alliance" between Oklahoma's Attorney General and fossil fuel interests, see [this New York Times article](#)). Repeating many of the same losing arguments advanced in the D.C. Circuit, Oklahoma asked the Tulsa district court to step in and stop the Clean Power Plan rulemaking. Judge

Eagen, appointed by George W. Bush in 2001, wasn't having it. She dismissed the case in just 18 days, ruling that Oklahoma's attack on the Clean Power Plan proposal failed for lack of any final agency action. In addition, any challenge to the final plan, the judge wrote, "must be decided by the court with exclusive jurisdiction over these matters, and that court is the D.C. Circuit." Finally, she found Oklahoma's claims "exaggerated." Despite all the hoopla, Oklahoma failed to show that the Plan conflicted with any "clear and mandatory" limit on EPA's authority. There are two important takeaways from the Oklahoma case. First, the polluter coalition wasn't joking when it said it planned to use litigation to "gum up the works." This pattern of abusive litigation is part of a calculated political strategy to harass and oppose any effort to clean up the power plant pollution driving dangerous climate change. We should expect more such frivolous lawsuits. But this strategy will fail. Second, Clean Power Plan foes are trying to make far-fetched statutory and constitutional arguments seem weighty simply by repeating them as often and as loudly as possible. But the Supreme Court has already ruled that the EPA has the authority and responsibility to address dangerous carbon pollution from power plants. The Oklahoma Attorney-General and his big private law firm trotted out all of these arguments in Tulsa, but like the judges in the other five cases, Judge Eagen wasn't persuaded. Their inability to persuade the courts that the Clean Power Plan violates any "clear and mandatory" limits suggests that their attacks will keep falling flat.

Internals: Paris Solves

Agreement now – Paris

Willis, Council Member of the Natural Environment Research Council, August **2014**

(Rebecca, “Paris 2015: Getting a global agreement on climate change,” 2 <http://www.green-alliance.org.uk/resources/Paris%202015-getting%20a%20global%20agreement%20on%20climate%20change.pdf>)

At the Paris summit in December 2015, 196 countries will meet to sign a new climate change agreement. But how likely is it that it will be meaningful and make a difference to climate action on the ground? Not only is a deal possible but, with the right political leadership, it can lead to ambitious outcomes that will have a real impact on tackling climate change. Countries like the US and China are working to ensure an outcome is likely in 2015; and the years since the 2009 Copenhagen negotiations have seen some significant breakthroughs. The 2009 negotiations were fraught and chaotic, with a last minute agreement emerging after frantic scenes on the conference floor. Yet international negotiations remain vital for countries to build on national approaches, providing reassurance that they are not acting alone, and making it easier for nations to work together towards a low carbon future. This is why the 2015 Paris summit is important. To ensure meaningful action on climate change, the deal must contain the following elements: • ambitious action before and after 2020 • a strong legal framework and clear rules • a central role for equity • a long term approach • public finance for adaptation and the low carbon transition • a framework for action on deforestation and land use • clear links to the 2015 Sustainable Development Goals A strong deal will make a significant difference to the ability of individual countries to tackle climate change. It will provide a clear signal to business, to guide investment toward low carbon outcomes. It will reduce the competitiveness impacts of national policies, and create a simpler, more predictable framework for companies operating in different countries. Vitality, a strong climate deal will help to meet international development aims, which are at increasing risk from rising global temperatures. Eliminating poverty, improving health and building security are all outcomes linked to tackling climate change. And it will also bring huge benefits to the natural environment by helping to avoid biodiversity loss and the degradation of ecosystems upon which we all depend.

Internals: Warming Real/Anthro

Warming is real and anthropogenic—best climate data and models

Mueller 12

(The New York Times, Richard A. Mueller, July 28, 2012, "The Conversion of a Climate Change Skeptic" Richard A. Muller, a professor of physics at the University of California, Berkeley, and a former MacArthur Foundation fellow, is the author, most recently, of "Energy for Future Presidents: The Science Behind the Headlines." http://www.nytimes.com/2012/07/30/opinion/the-conversion-of-a-climate-change-skeptic.html?_r=1&pagewanted=all)

CALL me a converted skeptic. Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause. My total turnaround, in such a short time, is the result of careful and objective analysis by the Berkeley Earth Surface Temperature project, which I founded with my daughter Elizabeth. Our results show that the average temperature of the earth's land has risen by two and a half degrees Fahrenheit over the past 250 years, including an increase of one and a half degrees over the most recent 50 years. Moreover, it appears likely that essentially all of this increase results from the human emission of greenhouse gases. These findings are stronger than those of the Intergovernmental Panel on Climate Change, the United Nations group that defines the scientific and diplomatic consensus on global warming. In its 2007 report, the I.P.C.C. concluded only that most of the warming of the prior 50 years could be attributed to humans. It was possible, according to the I.P.C.C. consensus statement, that the warming before 1956 could be because of changes in solar activity, and that even a substantial part of the more recent warming could be natural. Our Berkeley Earth approach used sophisticated statistical methods developed largely by our lead scientist, Robert Rohde, which allowed us to determine earth land temperature much further back in time. We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions. The historic temperature pattern we observed has abrupt dips that match the emissions of known explosive volcanic eruptions; the particulates from such events reflect sunlight, make for beautiful sunsets and cool the earth's surface for a few years. There are small, rapid variations attributable to El Niño and other ocean currents such as the Gulf Stream; because of such oscillations, the "flattening" of the recent temperature rise that some people claim is not, in our view, statistically significant. What has caused the gradual but systematic rise of two and a half degrees? We tried fitting the shape to simple math functions (exponentials, polynomials), to solar activity and even to rising functions like world population. By far the best match was to the record of atmospheric carbon dioxide, measured from atmospheric samples and air trapped in polar ice. Just as important, our record is long enough that we could search for the fingerprint of solar variability, based on the historical record of sunspots. That fingerprint is absent. Although the I.P.C.C. allowed for the possibility that variations in sunlight could have ended the "Little Ice Age," a period of cooling from the 14th century to about 1850, our data argues strongly that the temperature rise of the past 250 years cannot be attributed to solar changes. This conclusion is, in retrospect, not too surprising; we've learned from satellite measurements that solar activity changes the brightness of the sun very little. How definite is the attribution to humans? The carbon dioxide curve gives a better match than anything else we've tried. Its magnitude is

consistent with the calculated greenhouse effect — extra warming from trapped heat radiation. These facts don't prove causality and they shouldn't end skepticism, but they raise the bar: to be considered seriously, an alternative explanation must match the data at least as well as carbon dioxide does. Adding methane, a second greenhouse gas, to our analysis doesn't change the results. Moreover, our analysis does not depend on large, complex global climate models, the huge computer programs that are notorious for their hidden assumptions and adjustable parameters. Our result is based simply on the close agreement between the shape of the observed temperature rise and the known greenhouse gas increase.

Internals: Scientific Consensus

Prefer scientific consensus

Trenberth et al. 12 (Kevin Trenberth, Sc.D, Distinguished Senior Scientist, Climate Analysis Section, National Center for Atmospheric Research Richard Somerville, Ph.D., Distinguished Professor, Scripps Institution of Oceanography, University of California, San Diego Katharine Hayhoe, Ph.D., Director, Climate Science Center, Texas Tech University Rasmus Benestad, Ph.D., Senior Scientist, The Norwegian Meteorological Institute Gerald Meehl, Ph.D., Senior Scientist, Climate and Global Dynamics Division, National Center for Atmospheric Research Michael Oppenheimer, Ph.D., Professor of Geosciences; Director, Program in Science, Technology and Environmental Policy, Princeton University Peter Gleick, Ph.D., co-founder and president, Pacific Institute for Studies in Development, Environment, and Security Michael C. MacCracken, Ph.D., Chief Scientist, Climate Institute, Washington Michael Mann, Ph.D., Director, Earth System Science Center, Pennsylvania State University Steven Running, Ph.D., Professor, Director, Numerical Terradynamic Simulation Group, University of Montana Robert Corell, Ph.D., Chair, Arctic Climate Impact Assessment; Principal, Global Environment Technology Foundation Dennis Ojima, Ph.D., Professor, Senior Research Scientist, and Head of the Dept. of Interior's Climate Science Center at Colorado State University Josh Willis, Ph.D., Climate Scientist, NASA's Jet Propulsion Laboratory Matthew England, Ph.D., Professor, Joint Director of the Climate Change Research Centre, University of New South Wales, Australia Ken Caldeira, Ph.D., Atmospheric Scientist, Dept. of Global Ecology, Carnegie Institution Warren Washington, Ph.D., Senior Scientist, National Center for Atmospheric Research Terry L. Root, Ph.D., Senior Fellow, Woods Institute for the Environment, Stanford University David Karoly, Ph.D., ARC Federation Fellow and Professor, University of Melbourne, Australia Jeffrey Kiehl, Ph.D., Senior Scientist, Climate and Global Dynamics Division, National Center for Atmospheric Research Donald Wuebbles, Ph.D., Professor of Atmospheric Sciences, University of Illinois Camille Parmesan, Ph.D., Professor of Biology, University of Texas; Professor of Global Change Biology, Marine Institute, University of Plymouth, UK Simon Donner, Ph.D., Assistant Professor, Department of Geography, University of British Columbia, Canada Barrett N. Rock, Ph.D., Professor, Complex Systems Research Center and Department of Natural Resources, University of New Hampshire David Griggs, Ph.D., Professor and Director, Monash Sustainability Institute, Monash University, Australia Roger N. Jones, Ph.D., Professor, Professorial Research Fellow, Centre for Strategic Economic Studies, Victoria University, Australia William L. Chameides, Ph.D., Dean and Professor, School of the Environment, Duke University Gary Yohe, Ph.D., Professor, Economics and Environmental Studies, Wesleyan University, CT Robert Watson, Ph.D., Chief Scientific Advisor to the UK Department of Environment, Food and Rural Affairs; Chair of Environmental Sciences, University of East Anglia Steven Sherwood, Ph.D., Director, Climate Change Research Centre, University of New South Wales, Sydney, Australia Chris Rapley, Ph.D., Professor of Climate Science, University College London, UK Joan Kleypas, Ph.D., Scientist, Climate and Global Dynamics Division, National Center for Atmospheric Research James J. McCarthy, Ph.D., Professor of Biological Oceanography, Harvard University Stefan Rahmstorf, Ph.D., Professor of Physics of the Oceans, Potsdam University, Germany Julia Cole, Ph.D., Professor, Geosciences and Atmospheric Sciences, University of Arizona William H. Schlesinger, Ph.D., President, Cary Institute of Ecosystem Studies Jonathan Overpeck, Ph.D., Professor of Geosciences and Atmospheric Sciences, University of Arizona Eric Rignot, Ph.D., Senior Research Scientist, NASA's Jet Propulsion Laboratory; Professor of Earth System Science, University of California, Irvine Wolfgang Cramer, Professor of Global Ecology, Mediterranean Institute for Biodiversity and Ecology, CNRS, Aix-en-Provence, France, 2/1/2012, "Check With Climate Scientists for Views on Climate", <http://online.wsj.com/article/SB10001424052970204740904577193270727472662.html>)

Do you consult your dentist about your heart condition? In science, as in any area, reputations are based on knowledge and expertise in a field and on published, peer-reviewed work. If you need surgery, you want a highly experienced expert in the field who has done a large number of the proposed operations. You published "No Need to Panic About Global Warming" (op-ed, Jan. 27) on climate change by the climate-science equivalent of dentists practicing cardiology. While accomplished in their own fields, most of these authors have no expertise in climate science. The few authors who have such expertise are known to have extreme views that are out of step with nearly every other climate expert. This happens in nearly every field of science. For example, there is a retrovirus expert who does not accept that HIV causes AIDS. And it is instructive to recall that a few scientists continued to state that smoking did not cause cancer, long after that was settled science. Climate experts know that the long-term warming trend has not abated in the past decade. In fact, it was the warmest decade on record. Observations show unequivocally that our planet is getting hotter. And computer models have recently shown that during periods when there is a smaller increase of surface temperatures, warming is occurring elsewhere in the climate system, typically in the deep ocean. Such periods are a relatively common climate phenomenon, are consistent with our physical understanding of how the climate system works, and certainly do not invalidate our understanding of human-induced warming or the models used to simulate that warming. Thus, climate experts also know what one of us, Kevin Trenberth, actually meant by the out-of-context, misrepresented quote used in the op-ed. Mr. Trenberth was lamenting the inadequacy of observing systems to fully monitor warming trends in the deep ocean and other aspects of the short-term variations that always occur, together with the long-term human-

induced warming trend. The National Academy of Sciences of the U.S. (set up by President Abraham Lincoln to advise on scientific issues), as well as major national academies of science around the world and every other authoritative body of scientists active in climate research have stated that the science is clear: The world is heating up and humans are primarily responsible. Impacts are already apparent and will increase. Reducing future impacts will require significant reductions in emissions of heat-trapping gases. Research shows that more than 97% of scientists actively publishing in the field agree that climate change is real and human caused. It would be an act of recklessness for any political leader to disregard the weight of evidence and ignore the enormous risks that climate change clearly poses. In addition, there is very clear evidence that investing in the transition to a low-carbon economy will not only allow the world to avoid the worst risks of climate change, but could also drive decades of economic growth. Just what the doctor ordered.

Solvency: Regulations Key

And, Greenhouse Gas Emissions Cause Extinction- Regulation Now Is Key

Battisti et al 6

(David, Tamaki Professor of Atmospheric Sciences at the University of Washington, Ph.D. from the University of Washington in atmospheric sciences, On Petition of Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit in Massachusetts v. Environmental Protection Agency: BRIEF OF AMICI CURIAE CLIMATE SCIENTISTS DAVID BATTISTI, CHRISTOPHER FIELD, INEZ FUNG, JAMES E. HANSEN, JOHN HARTE, EUGENIA KALNAY, DANIEL KIRK-DAVIDOFF, JAMES C. MCWILLIAMS, JONATHAN T. OVERPECK, F.SHERWOOD ROWLAND, JOELLEN RUSSELL, SCOTT R. SALESKA, JOHN M. WALLACE, AND STEVEN C. WOFSY IN SUPPORT OF PETITIONER, <http://docket.medill.northwestern.edu/archives/Mass-v-EPAAmicusScientists.pdf>)

4. It is virtually certain that what has been observed so far is only the beginning, and that continued greenhouse gas emissions along current trajectories will cause additional warming of the earth system as a whole, and very likely that such perturbation would cause the rate of surface warming and sea level rise in the 21st century to be substantially larger and faster than that experienced in the 20th century and without precedent in the past 10,000 years.⁵ Although the general link between increased greenhouse gases in the atmosphere and increased warming of the earth system is virtually certain, the complexity of the climate system means that predictions of specific details that follow from this general link are subject to varying degrees of certainty. Among the more certain future predictions are the following: a. It is likely, based on both models and on data from the ice ages over the last 400,000 years, that if atmospheric carbon dioxide doubled from pre-industrial times, and then rose no further, the long-term warming response of global average surface temperature (the "climate sensitivity") would be in the range of 1.5° to 4.5° C (2.7° - 8.1° F). b. In the absence of emissions reductions, however, carbon dioxide and other greenhouse gases in the atmosphere are very likely to much more than double, and the consequent rise in global average temperature during the 21st century, projected to be 2.5° to 10° C (4.5° to 18° F), will likely continue rising well beyond 2100. c. This amount of warming is very likely to drive steady melting of arctic ice sheets and further increases in global average sea level, which is projected to reach an additional 0.1 - 0.9 meters (1/3 - 1 foot) by 2100, and to continue rising to much higher levels in the decades to millennia following 2100. d. This amount of sea level rise, especially when combined with likely increases in hurricane intensities, would exacerbate storm surges and have negative impacts on health and welfare in the United States, and globally. These negative impacts would be concentrated in low-lying coastal regions, such as Boston or Cape Cod, Massachusetts, the Louisiana/Mississippi Gulf coast, and southern Florida. e. Rising temperatures are also likely to lead to increases in extreme weather events (e.g. heat waves) and altered patterns of rainfall (e.g. droughts) that will disrupt natural and agricultural ecosystems, and increase the risk of extinction of animal and plant species. f. Ocean acidity is likely to increase by several tenths of a pH unit due to continued uptake of carbon dioxide, and this acidification is likely to cause substantial stress to key marine organisms, and hence to whole marine ecosystems, particularly in cold water regions. 6. The possibilities of the above-mentioned climate changes have been carefully and extensively assessed, and there is a broad scientific consensus that these changes are likely or very likely. The exact timing of the climate change and the exact magnitude of the impact are harder to determine, because the climate system has a great deal of inertia (especially in the ice sheets and oceans), and greenhouse gases already in the atmosphere will continue to contribute to future warming. This inertia heightens the threat to human welfare because continuing unregulated greenhouse gas emissions commit us to large-scale, long-term (centuries) climate change consequences before the exact nature of those consequences can be known with greater certainty. 7. Apart from the likely, very likely, and virtually certain gradual climate changes outlined in points 4 and 5, there is also an as yet unquantifiable probability that continued greenhouse gas emissions will trigger abrupt climate change surprises that could very rapidly impose large impacts on ecosystems and human societies.¹⁵ We know that such abrupt climate changes (e.g. large local cooling or warming, widespread droughts, shifts in hurricane intensity or flood regimes that occur in only a decade or so) are possible because they have happened in the past, before recorded human history began. Such abrupt shifts were triggered when gradual changes pushed the earth system across a threshold, abruptly switching the climate system into a new state. We do not understand these switches very well, but it is very likely that they exist within the climate system, and there is a significant but unknown risk that continued emission of greenhouse gases will trigger some kind of climate change surprise.

AT: Too Late to Solve

It's not too late—emissions reductions can avoid and delay catastrophic impacts.

Chestney 13

(Nina, senior environmental correspondent, "Climate Change Study: Emissions Limits Could Avoid Damage By Two-Thirds," http://www.huffingtonpost.com/2013/01/13/climate-change-study-emissions-limits_n_2467995.html)

The world could avoid much of the damaging effects of climate change this century if greenhouse gas emissions are curbed more sharply, research showed on Sunday. The study published in the journal Nature Climate Change is the first comprehensive assessment of the benefits of cutting emissions to keep the global temperature rise to within 2 degrees Celsius by 2100, a level which scientists say would avoid the worst effects of climate change. It found 20 to 65 percent of the adverse impacts by the end of this century could be avoided. "Our research clearly identifies the benefits of reducing greenhouse gas emissions - less severe impacts on flooding and crops are two areas of particular benefit," said Nigel Arnell, director of the University of Reading's Walker Institute, which led the study. In 2010, governments agreed to curb emissions to keep temperatures from rising above 2 degrees C, but current emissions reduction targets are on track to lead to a temperature rise of 4 degrees or more by 2100. The World Bank has warned more extreme weather will become the "new normal" if global temperature rises by 4 degrees. Extreme heatwaves could devastate areas from the Middle East to the United States, while sea levels could rise by up to 91 cm (3 feet), flooding cities in countries such as Vietnam and Bangladesh, the bank has said. The latest research involved scientists from British institutions including the University of Reading, the Met Office Hadley Centre and the Tyndall Centre for Climate Change, as well as Germany's Potsdam Institute for Climate Impact Research. It examined a range of emissions-cut scenarios and their impact on factors including flooding, drought, water availability and crop productivity. The strictest scenario kept global temperature rise to 2 degrees C with emissions peaking in 2016 and declining by 5 percent a year to 2050. FLOODING Adverse effects such as declining crop productivity and exposure to river flooding could be reduced by 40 to 65 percent by 2100 if warming is limited to 2 degrees, the study said. Global average sea level rise could be reduced to 30cm (12 inches) by 2100, compared to 47-55cm (18-22 inches) if no action to cut emissions is taken, it said. Some adverse climate impacts could also be delayed by many decades. The global productivity of spring wheat could drop by 20 percent by the 2050s, but the fall in yield could be delayed until 2100 if strict emissions curbs were enforced. "Reducing greenhouse gas emissions won't avoid the impacts of climate change altogether of course, but our research shows it will buy time to make things like buildings, transport systems and agriculture more resilient to climate change," Arnell said.

AT: GOP Kills Warming Solvency

And, the GOP has come around to warming – no longer an impediment to solvency

Zeller 15

(Tom Zeller Jr. has written on energy and environment for The New York Times, The Washington Post, National Geographic, HuffPost and Bloomberg View, “The End of the Partisan Divide Over Climate Change,” pg online @ <http://www.forbes.com/sites/tomzeller/2015/01/18/the-end-of-the-partisan-divide-over-climate-change/> //um-ef)

Among the GOP’s liberal and moderate wings, roughly two-thirds were convinced that global warming is real — a fact that has even Republican pollsters arguing that the GOP risks its future by continuing to deny basic climate science on Capitol Hill. That message appears to be sinking in. As Michael Shank noted in The Week on Thursday, beneath the bluster of leading Republicans’ war on the EPA, the reality on the ground is slowly but steadily driving a new era of bipartisanship on a variety of climate-friendly initiatives at the federal and state levels. To be sure, partisan haggling over what to do about climate change will continue. And there are legitimate debates to be had over how best to address the problem while keeping the lights on, the cars moving, and the economy more or less healthy. But with another year now proving to have been the warmest since record keeping began — and with a proliferation of record-setting years happening in relative succession — the paralyzing debate over whether human-driven global warming is even happening appears to have run its course.

Err on Side Caution

Every increase must be resisted—we need to err on the side of caution because we don't know when the tipping point will occur

Pittock, 10—led the Climate Impact Group in CSIRO until his retirement in 1999. He contributed to or was the lead author of all four major reports of the Intergovernmental Panel on Climate Change. He was awarded a Public Service Medal in 1999 and is CSIRO Honorary Fellow. (Barrie, Climate Change: The Science, Impacts, and Solutions, 2010, pg. 326)

It is absolutely crucial that options for reducing greenhouse gas emissions be pursued with a real sense of urgency. Every extra tonne of carbon dioxide placed into the atmosphere increases the very real risk of dangerous climate change, and nobody will escape the direct or indirect consequences. We are in danger of inadvertently tripping the 'on' switch to disaster, with an inevitably long delay before it can be turned off again. What is done now that enhances climate change cannot be easily undone, so we should err on the side of caution. But it is not all doom and gloom: we can save the day. As we have seen earlier in this book, the technology already exists to rapidly reduce emissions via large investments in energy efficiency (which saves money) and renewable base-load power (which will rapidly come down in price as it is scaled up). Supplemented later this century by large-scale carbon capture and sequestration and (if necessary) by safe nuclear power, the peak in greenhouse gas concentrations can be minimised and then brought down. We need to reduce carbon emissions, and we need to do it fast. Although we are facing an emergency, with an appropriate allocation of ingenuity and resources, together we can do it. We owe that, at least, to our children.

AT: Adaptation

Adaptation has limits

Pittock 10 (Barrie, Led the Climate Impact Group in CSIRO until his retirement in 1999. He contributed to or was the lead author of all four major reports of the Intergovernmental Panel on Climate Change. He was awarded a Public Service Medal in 1999 and is CSIRO Honorary Fellow, Climate Change: The Science, Impacts, and Solutions, 2010, pg. 130)

Because there are uncertainties about future amounts and effects of climate change and sea-level rise, adaptation must be a risk management strategy which takes account of the probabilities as well as of the costs and benefits. Moreover, **adaptation has limits, beyond which it is too expensive or even unacceptable in terms of the changes it requires.** For example, one adaptation to increasing flooding due to sea-level rise in low-lying island countries would be to emigrate, but that may be unacceptable for the people who would have to leave their homelands, and may not be welcomed as a solution by potential host countries. If our ability to adapt reaches its limits we have an unacceptable or damaging situation that, at least at the local level, could be considered 'dangerous' and could lead to dire socio-economic consequences. **That can only be avoided if we can reduce the level of climate change so as to stay within the limits of adaptability.** In the broadest global terms, **our ability to adapt is what must determine** the **targets we set for reducing greenhouse gas emissions**, that is, mitigation policies should aim to avoid situations where we exceed the limits of adaptability. For this reason, understanding adaptability is vital, not only so that people can adapt where possible, but also to determine how urgently, and by how much we must reduce global greenhouse gas emissions. Methods of adaptation will vary with the activity or industry, with location, and on different scales in time and space. Generally local farmers, for instance, will adapt on a year-to-year basis to drier or warmer conditions by varying planting dates, crop varieties or irrigation use. But at the district, state or national level longerterm planning may be necessary to breed betteradapted crop varieties, conserve water, or develop more irrigation supplies. If the worst happens, governments may have to aid farmers, or even assist them to leave the industry if it is becoming unsupportable. This is already the case in Australia, where there is disagreement as to whether the current lack of water in some areas is merely a 'drought' from which recovery is possible with short-term aid, or whether it is more permanent, requiring farmers to change their livelihood.

Impacts: Warming = Food Wars

And climate change results in food wars

Werz & Conley 12

(Michael Werz & Laura Conley, Senior Fellow @American Progress where his work as member of the National Security Team focuses on the nexus of climate change, migration, and security and emerging democracies & Research Associate for National Security and International Policy @ the Center for American Progress “Climate Change, Migration, and Conflict: Addressing complex crisis scenarios in the 21st Century,” Center for American Progress, January 2012)

The costs and consequences of climate change on our world will define the 21st century. Even if nations across our planet were to take immediate steps to rein in carbon emissions—an unlikely prospect—a warmer climate is inevitable As the U.N. Intergovernmental Panel on Climate Change, or IPCC, noted in 2007, human-created “warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures widespread melting of snow and ice and rising global average sea level.”¹ As these ill effects progress they will have serious implications for U.S. national security interests as well as global stability—extending from the sustainability of coastal military installations to the stability of nations that lack the resources, good governance, and resiliency needed to respond to the many adverse consequences of climate change. And as these effects accelerate, the stress will impact human migration and conflict around the world It is difficult to

fully understand the detailed causes of migration and economic and political instability, but the growing evidence of links between climate change, migration, and conflict raise plenty of concern. This is why it's time to start thinking about new and comprehensive answers to multifaceted crisis scenarios brought on or worsened by global climate change. As Achim Steiner, executive director of the U.N. Environment Program, argues, “The question we must continuously ask ourselves in the face of scientific complexity and uncertainty, but also growing evidence of climate change, is at what point precaution, common sense or prudent risk management demands action.”² In the coming decades climate change will increasingly threaten humanity's shared interests and collective security In many parts of the world, disproportionately affecting the globe's least developed countries. Climate change will pose challenging social, political, and strategic questions for the many different multinational, regional, national, and nonprofit organizations dedicated to improving the human condition worldwide. Organizations as different as Amnesty International, the U.S. Agency for International Development, the World Bank, the International Rescue Committee, and the World Health Organization will all have to tackle directly the myriad effects of climate change. Climate change also poses distinct challenges to U.S. national security.

Recent intelligence reports and war games, including some conducted by the U.S. Department of Defense, conclude that over the next two or three decades, vulnerable regions (particularly sub-Saharan Africa, the Middle East, South and Southeast Asia) will face the prospect of food shortages, water crises, and catastrophic flooding driven by climate change. These developments could demand U.S., European, and international humanitarian relief or military responses often the delivery vehicle for aid in crisis situations. This report provides the foundation and overview for a series of papers focusing on the particular challenges posed by the cumulative effects of climate change, migration, and conflict in some of our world's most complex environments. In the papers following this report, we plan to outline the effects of this nexus in northwest Africa, in India and Bangladesh, in the Andean region of South America, and in China. In this paper we detail that nexus across our planet and offer wide ranging recommendations about how the United States, its allies in the global community, and the community at large can deal with the coming climate-driven crises with comprehensive sustainable security solutions encompassing national security, diplomacy, and economic, social, and environmental development. Here, we briefly summarize our arguments and our conclusions. The nexus The Arab Spring can be at least partly credited to climate change. Rising food prices and efforts by authoritarian regimes to crush political protests were linked first to food and then to political repression—two important motivators in the Arab makeover this past year. To be sure, longstanding economic and social distress and lack of opportunity for so many Arab youth in the Middle East and across North Africa only needed a spark to ignite revolutions across the region. But environmental degradation and the movement of people from rural areas to already overcrowded cities alongside rising food prices enabled the cumulative effects of long-term economic and political failures to sweep across borders with remarkable agility. It does not require much foresight to acknowledge that other effects of climate change will add to the pressure in the decades to come. In particular the cumulative overlay of climate change with human migration driven by environmental crises, political conflict caused by this migration, and competition for more scarce resources will add new dimensions of complexity to existing and future crisis scenarios. It is thus critical to understand how governments plan

to answer and prioritize these new threats from climate change, migration, and conflict. Climate change alone poses a daunting challenge. No matter what steps the global community takes to mitigate carbon emissions, a warmer climate is inevitable The effects are already being felt today and will intensify as climate change worsens. All of the world's regions and nations will experience some of the effects of this transformational challenge. Here's just one case in point: African states are likely to be the most vulnerable to multiple stresses, with up to 250 million people projected to suffer from water and food insecurity and, in low-lying areas, a rising sea level.³ As little as 1 percent of Africa's land is located in low-lying coastal zones but this land supports 12 percent of its urban population.⁴ Furthermore, a majority of people in Africa live in lower altitudes—including the Sahel, the area just south of the Sahara—where the worst effects of water scarcity, hotter temperatures, and longer dry seasons are expected to occur.⁵ These developments may well be exacerbated by the lack of state and regional capacity to manage the effects of climate change. These same dynamics haunt many nations in

Asia and the Americas, too, and the implications for developed countries such as the United States and much of Europe will be profound. Migration Migration adds another layer of complexity to the scenario. In the 21st century the world could see substantial numbers of climate migrants—people displaced by either the slow or sudden onset of the effects of climate change. The United Nations' recent Human Development Report is stated that, worldwide, there are already an estimated 700 million internal migrants—those leaving their homes within their own countries—a number that includes people whose migration is related to climate change and environmental factors. Overall migration across national borders is already at approximately 214 million people worldwide,⁶ with estimates of up to 20 million displaced in 2008 alone because of a rising sea level, desertification, and flooding.⁷ One expert, Oil Brown of the International Institute for Sustainable Development, predicts a tenfold increase in the current number of internally displaced persons and international refugees by 2050.⁸ It is important to acknowledge that there is no consensus on this estimate. In fact there is major disagreement among experts about how to identify climate as a causal factor in internal and

international migration. But even though the root causes of human mobility are not always easy to decipher, the policy challenges posed by that movement are real. A 2009 report by the International Organization for Migration produced in cooperation with the United Nations University and the Climate Change, Environment and Migration Alliance cites numbers that range from “200 million to 1 billion migrants from climate change alone by 2050,⁹ arguing that “environmental drivers of migration are often coupled with economic, social and developmental factors that can accelerate and to a certain extent mask the impact of climate change.” The report also notes that “migration can result from different environmental factors, among them gradual environmental degradation (including desertification, soil and coastal erosion) and natural disasters (such as earthquakes, floods or tropical storms).”¹⁰ (See box on page 15 for a more detailed definition of climate migrants.) Clearly, then, climate change is expected to aggravate many existing migratory pressures around the world. Indeed associated

extreme weather events resulting in drought, floods, and disease are projected to increase the number of sudden humanitarian crises and disasters in areas least able to cope, such as those already mired in poverty or prone to conflict.¹¹ Conflict This final layer is the most unpredictable, both within nations and transnationally, and will force the United States and the international community to confront climate and migration challenges within an increasingly unstructured local or regional security environment. In contrast to the great power conflicts and the associated proxy wars that marked most of the 20th century, the immediate post-Cold War decades witnessed a diffusion of national security interests and threats. U.S. national security policy is increasingly integrating thinking about nonstate actors and nontraditional sources of conflict and instability, for example in the fight against Al Qaeda and its affiliated groups. Climate change is among these newly visible issues sparking conflict. But because the direct link between conflict and climate change is unclear, awareness of the indirect links has yet to

lead to substantial and sustained action to address its security implications. Still the potential for the changing climate to induce conflict or exacerbate existing instability in some of the world's most vulnerable regions is now recognized in national security circles in the United States, although research gaps still exist in many places. The climate-conflict nexus was highlighted with particular

effect by the current U.S. administration's security-planning reviews over the past two years, as well as the **C**enter for **N**aval **A**nalysis, which **termed climate change a "threat multiplier,"** indicating that it can exacerbate existing stresses and insecurity.¹² **The** Pentagon's latest **Q**uadrennial **D**efense **R**eview also **recognized climate change as an "accelerant of conflict,"** highlighting the operational challenges that will confront U.S. and partner militaries amid a rising sea level, growing extreme weather events, and other anticipated effects of climate change.¹³ The U.S. Department of Defense has even voiced concern for American military installations that may be threatened by a rising sea level.¹⁴ There is also well-developed international analysis on these points. The United Kingdom's 2010 Defense Review, for example, referenced the security aspects of climate change as an evolving challenge for militaries and policymakers. Additionally, in 2010, the Nigerian government referred to climate change as the "greatest environmental and humanitarian challenge facing the country this century," demonstrating that climate change is no longer seen as solely scientific or environmental, but increasingly as a social and political issue cutting across all aspects of human development.¹⁵ As these three threads—climate change, migration, and conflict—interact more intensely, the consequences will be far-reaching and occasionally counterintuitive. It is impossible to predict the outcome of the Arab Spring movement, for example, but the blossoming of democracy in some countries and the demand for it in others is partly an unexpected result of the consequences of climate change on global food prices. On the other hand, the interplay of these factors will drive complex crisis situations in which domestic policy, international policy, humanitarian assistance, and security converge in new ways. Areas of concern **Several regional hotspots frequently come up in the international debate on climate change, migration, and conflict.** Climate migrants in **northwest Africa**, for example, are causing communities across the region to respond in different ways, often to the detriment of regional and international security concerns. **Political and social instability in the region plays into the hands of organizations such as Al Qaeda in the Islamic Maghreb.** And recent developments in Libya, especially the large number of weapons looted from depots after strongman Moammar Qaddafi's regime fell—which still remain unaccounted for—are a threat to stability across North Africa. Effective solutions need not address all of these issues simultaneously but must recognize the layers of relationships among them. And these solutions must also recognize that these variables will not always intersect in predictable ways. While some migrants may flee floodplains, for example, others may migrate to them in search of greater opportunities in coastal urban areas.¹⁶ **Bangladesh** already well known for its disastrous floods, **faces rising waters in the future due to climate-driven glacial meltdowns in neighboring India.** The effects can hardly be over. In December 2008, the **N**ational **D**efense **U**niversity in Washington, D.C., **ran an exercise that explored the impact of a flood that sent hundreds of thousands of refugees into neighboring India. The result: the exercise predicted a new wave of migration would touch off religious conflicts, encourage the spread of contagious diseases, and cause vast damage to infrastructure. India itself is not in a position to absorb climate-induced pressures**—never mind foreign climate migrants. The country will contribute 22 percent of global population growth and have close to 1.6 billion inhabitants by 2050, causing demographic developments that are sure to spark waves of internal migration across the country. Then there's the **Andean region** of South America, where **melting glaciers** and snowcaps will drive climate, migration, and security concerns. The average rate of glacial melting has doubled over the past few years, according to the World Glacier Monitoring Service.¹⁷ Besides Peru, which faces the gravest consequences in Latin America, a number of other Andean countries will be massively affected, including Bolivia, Ecuador, and Colombia. This development **will put water security, agricultural production, and power generation at risk**—all factors that could prompt people to leave their homes and migrate. The IPCC report argues that **the region is especially vulnerable because of its fragile ecosystem.**¹⁸ Finally, China is now in its fourth decade of ever-growing internal migration, some of it driven in recent years by environmental change. Today, across its vast territory, **China continues to experience the full spectrum of climate change related consequences that have the potential to encourage such migration.** The Center for a New American Security recently found that **the consequences of climate change and continued internal migration in China include "water stress; increased droughts, flooding, or other severe events; increased coastal erosion and saltwater inundation; glacial melt in the Himalaya that could affect hundreds of millions; and shifting agricultural zones"—all of which will affect food supplies.**

Impacts: Warming = Extinction

Warming causes extinction

Brandenberg 99

(John & Monica Paxson, Visiting Prof. Researcher @ Florida Space Institute, Physicist Ph.D., Science Writer, Dead Mars Dying Earth, Pg 232-233)

The ozone hole expands, driven by a monstrous synergy with global warming that puts more catalytic ice crystals into the stratosphere, but this affects the far north and south and not the major nations' heartlands. The seas rise, the tropics roast but the media networks no longer cover it. The Amazon rainforest becomes the Amazon desert. Oxygen levels fall, but profits rise for those who can provide it in bottles. An equatorial high-pressure zone forms, forcing drought in central Africa and Brazil, the Nile dries up and the monsoons fail. Then inevitably, at some unlucky point in time, a major unexpected event occurs—a major volcanic eruption, a sudden and dramatic Shift in ocean circulation or a large asteroid impact (those who think freakish accidents do not occur have paid little attention to life or Mars), or a nuclear war that starts between Pakistan and India and escalates to involve China and Russia . . . Suddenly the gradual climb in global temperatures goes on a mad excursion as the oceans warm and release large amounts of dissolved carbon dioxide from their lower depths into the atmosphere. Oxygen levels go down precipitously as oxygen replaces lost oceanic carbon dioxide. Asthma cases double and then double again. Now a third of the world fears breathing. As the oceans dump carbon dioxide, the greenhouse effect increases, which further warms the oceans, causing them to dump even more carbon. Because of the heat, plants die and burn in enormous fires, which release more carbon dioxide, and the oceans evaporate, adding more water vapor to the greenhouse. Soon, we are in what is termed a runaway greenhouse effect, as happened to Venus eons ago. The last two surviving scientists inevitably argue, one telling the other, "See! I told you the missing sink was in the ocean!" Earth, as we know it, dies. After this Venusian excursion in temperatures, the oxygen disappears into the soil, the oceans evaporate and are lost and the dead Earth loses its ozone layer completely. Earth is too far from the Sun for it to be the second Venus for long. Its atmosphere is slowly lost—as is its water—because of ultraviolet bombardment breaking up all the molecules apart from carbon dioxide. As the atmosphere becomes thin, the Earth becomes colder. For a short while temperatures are nearly normal, but the ultraviolet sears any life that tries to make a comeback. The carbon dioxide thins out to form a thin veneer with a few wispy clouds and dust devils. Earth becomes the second Mars—red, desolate, with perhaps a few hardy microbes surviving.

Impacts: Warming Hurts ppl

Warming disproportionately impacts oppressed populations

Burkett 8 (Maxine Burkett, Associate Professor of Law, University of Colorado Law School, 2008, "Just Solutions to Climate Change: A Climate Justice Proposal for a Domestic Clean Development Mechanism," 56 Buffalo L. Rev. 169, Lexis)

The profound injustices that inhere in climate change's disproportionate effects are obvious, yet two bear explication. One is that the unequal burden that is occurring, and is predicted, falls on those who have not been primarily responsible for climate change, domestically as well as internationally.⁷⁵ African Americans, for example, are "less responsible for climate change than other Americans"; . . . at present, African Americans emit 20 percent less greenhouse gases per household,⁷⁶ and on a per capita basis.⁷⁷ It is also true that the less wealthy half of America, regardless of race, is far less responsible for carbon dioxide emissions as well.⁷⁸ Further, historically these percentage disparities were even higher.⁷⁹ The second, and perhaps most compelling, injustice is the compounding effect of the environmental risk on the underlying societal inequities— inequality that resulted in the uneven patterns of development and access to resources and opportunity in America.⁸⁰ In other words, the legacy of slavery, segregation, the placement of reservations for indigenous populations, and the more elusive systemic discrimination that has followed, for example, is now locking in differentiated experiences of a warming planet. The reach of that racial discrimination has deep implications for the structuring of sound and just climate policy. The distribution of climate change impacts is likely to be increasingly unjust; for that reason, it is imperative that the solutions proffered neither entrench existing vulnerabilities nor introduce new ones.⁸¹ Without early and meaningful participation from EJ communities, the interests and needs of those communities will insufficiently inform strategies to mitigate and adapt to climate change.⁸² In short, climate policy for both mitigation and adaptation can create its own "winners and losers,"⁸³ and without fair decision-making in the process of crafting solutions, "fair outcomes will only ever be coincidental."⁸⁴

Impacts: Warming = Ext.

Short timeframe for action means quick policy solutions are key – otherwise runaway warming will cause extinction and prevent radical changes to society

Parenti 13

(Christian Parenti, Christian Parenti is a Puffin Foundation Writing Fellow, contributing editor at The Nation and a visiting professor at Brooklyn College, CUNY, “A Radical Approach to the Climate Crisis” [<http://www.dissentmagazine.org/article/a-radical-approach-to-the-climate-crisis>])

Several strands of green thinking maintain that capitalism is incapable of a sustainable relationship with non-human nature because, as an economic system, capitalism has a growth imperative while the earth is finite. One finds versions of this argument in the literature of eco-socialism, deep ecology, eco-anarchism, and even among many mainstream greens who, though typically declining to actually name the economic system, are fixated on the dangers of “growth.” ¶ All this may be true. Capitalism, a system in which privately owned firms must continuously out-produce and out-sell their competitors, may be incapable of accommodating itself to the limits of the natural world. However, that is not the same question as whether capitalism can solve the more immediate climate crisis. ¶ Because of its magnitude, the climate crisis can appear as the sum total of all environmental problems—deforestation, over-fishing, freshwater depletion, soil erosion, loss of biodiversity, chemical contamination. But halting greenhouse gas emissions is a much more specific problem, the most pressing subset of the larger apocalyptic panorama. ¶ And the very bad news is, time has run out. As I write this, news arrives of an ice-free arctic summer by 2050. Scientists once assumed that would not happen for hundreds of years. ¶ Dealing with climate change by first achieving radical social transformation—be it a socialist or anarchist or deep-ecological/neo-primitive revolution, or a nostalgia-based localista conversion back to a mythical small-town capitalism—would be a very long and drawn-out, maybe even multigenerational, struggle. It would be marked by years of mass education and organizing of a scale and intensity not seen in most core capitalist states since the 1960s or even the 1930s. ¶ Nor is there any guarantee that the new system would not also degrade the soil, lay waste to the forests, despoil bodies of water, and find itself still addicted to coal and oil. Look at the history of “actually existing socialism” before its collapse in 1991. To put it mildly, the economy was not at peace with nature. or consider the vexing complexities facing the left social democracies of Latin America. Bolivia, and Ecuador, states run by socialists who are beholden to very powerful, autonomous grassroots movements, are still very dependent on petroleum revenue. ¶ A more radical approach to the crisis of climate change begins not with a long-term vision of an alternate society but with an honest engagement with the very compressed timeframe that current climate science implies. In the age of climate change, these are the real parameters of politics. ¶ Hard Facts ¶ The scientific consensus, expressed in peer-reviewed and professionally vetted and published scientific literature, runs as follows: For the last 650,000 years atmospheric levels of CO₂—the primary heat-trapping gas—have hovered at around 280 parts per million (ppm). At no point in the preindustrial era did CO₂ concentrations go above 300 ppm. By 1959, they had reached 316 ppm and are now over 400 ppm. And the rate of emissions is accelerating. Since 2000, the world has pumped almost 100 billion tons of carbon into the atmosphere—about a quarter of all CO₂ emissions since 1750. At current rates, CO₂ levels will double by mid-century. ¶ Climate scientists believe that any increase in average global temperatures beyond 2 degrees Celsius above preindustrial levels will lead to dangerous climate change, causing large-scale desertification, crop failure, inundation of coastal cities, mass migration to higher and cooler ground, widespread extinctions of flora and fauna, proliferating disease, and possible social collapse. Furthermore, scientists now understand that the earth’s climate system has not evolved in a smooth linear fashion. Paleoclimatology has uncovered evidence of sudden shifts in the earth’s climate regimes. Ice ages have stopped and started not in a matter of centuries, but decades. Sea levels (which are actually uneven across the globe) have risen and fallen more rapidly than was once believed. ¶ Throughout the climate system, there exist dangerous positive-feedback loops and tipping points. A positive-feedback loop is a dynamic in which effects compound, accelerate, or amplify the original cause. Tipping points in the climate system reflect the fact that causes

can build up while effects lag. Then, when the effects kick in, they do so all at once, causing the relatively sudden shift from one climate regime to another.¶ Thus, the UN's Intergovernmental Panel on Climate Change says rich countries like the United States must cut emissions 25 percent to 40 percent below 1990 levels by 2020—only seven years away—and thereafter make precipitous cuts to 90 percent below 1990 levels by 2050. This would require global targets of 10 percent reductions in emissions per annum, starting now. Those sorts of emissions reductions have only occurred during economic depressions. Russia's near total economic collapse in the early 1990s saw a 37 percent decrease in CO2 emissions from 1990 to 1995, under conditions that nobody wants to experience. ¶ The political implications of all this are mind-bending. As daunting as it may sound, it means that it is this society and these institutions that must cut emissions. That means, in the short-term, realistic climate politics are reformist politics, even if they are conceived of as part of a longer-term anti-capitalist project of totally economic re-organization.¶ Dreaming the Rational¶ Of course, successful reformism often involves radical means and revolutionary demands. What other sort of political pressure would force the transnational ruling classes to see the scientific truth of the situation? But let us assume for a second that political elites faced enough pressure to force them to act. What would be the rational first steps to stave off climate chaos?¶ The watchwords of the climate discussion are mitigation and adaptation—that is, we must mitigate the causes of climate change while adapting to its effects. Mitigation means drastically cutting our production of CO2 and other greenhouse gases, such as methane and chlorofluorocarbons, that prevent the sun's heat from radiating back out to space.¶ Mitigation means moving toward clean energy sources, such as wind, solar, geothermal, and tidal kinetic power. It means closing coal-fired power plants, weaning our economy off fossil fuels, building a smart electrical grid, and making massive investments in carbon-capture and -sequestration technologies. (That last bit of techno-intervention would have to be used not as a justification to keep burning coal, as is its current function, but to strip out atmospheric CO2 rapidly and get back to 350 ppm and away from the dangerous tipping points.)¶ Adaptation, on the other hand, means preparing to live with the effects of climatic changes, some of which are already underway and some of which are inevitable. Adaptation is both a technical and a political challenge.¶ Technical adaptation means transforming our relationship to non-human nature as nature transforms. Examples include building seawalls around vulnerable coastal cities, giving land back to mangroves and everglades so they can act to break tidal surges during giant storms, opening wildlife migration corridors so species can move away from the equator as the climate warms, and developing sustainable forms of agriculture that can function on an industrial scale even as weather patterns gyrate wildly.¶ Political adaptation, on the other hand, means transforming social relations: devising new ways to contain, avoid, and deescalate the violence that climate change is fueling and will continue to fuel. That will require progressive economic redistribution and more sustainable forms of development. It will also require a new diplomacy of peace building.¶ Unfortunately, another type of political adaptation is already under way—that of the armed lifeboat. This adaptation responds to climate change by arming, excluding, forgetting, repressing, policing, and killing. The question then becomes how to conceive of adaptation and mitigation as a project of radical reform—reforms that achieve qualitative change in the balance of power between the classes.¶ The core problem in the international effort to cut emissions is fundamentally the intransigence of the United States: it failed to ratify the Kyoto Protocol and has played an obstructionist role at subsequent negotiations. Domestically, progress has been just as frustratingly slow. We have no carbon tax, nor any program of robust investment in clean technology. Even the minimal production tax credit for clean energy generated by solar, wind, and hydro power has not been locked in as a long-term commitment. This creates uncertainty about prices, and, as a result, private investment in clean tech is stalling.¶ China, on the other hand, though now the world's second-largest economy and largest greenhouse gas polluter, is moving ahead with a fast-growing clean-tech industry—that is to say, with mitigation. The Chinese wind sector has grown steadily since 2001. "According to new statistics from the China Electricity Council," reported American Progress senior fellow Joseph Romm, "China's wind power production actually increased more than coal power production for the first time ever in 2012." This growth is the result, in part, of robust government support: China has invested \$200.8 billion in stimulus funding for clean tech. Estimates of U.S. stimulus funding for clean technology range from \$50 to \$80 billion.¶ The European Union is also moving forward to create a €1 trillion regional supergrid. Germany and Portugal in particular are moving aggressively to expand their already quite large clean-tech sectors. Action in the core industrial economies is essential because only they have the infrastructure that can propel the clean-tech revolution and transform the world economy.¶ A De Facto Carbon Tax¶ Environmental economists tend to agree that the single most important thing the United States could do to accelerate the shift to clean energy would be to impose a carbon tax. Despite our political sclerosis and fossil fuel fundamentalism, the means to do that already exist.¶ First and foremost, there is the Environmental Protection Agency, which could achieve significant and immediate emissions reductions using nothing more than existing laws and current technologies. According to Kassie Siegel at the Center for Biological Diversity, "The Clean Air Act can achieve everything we need: a 40 percent reduction of greenhouse gas emissions over 1990 levels by 2020."¶ Rather boring in tone and dense with legalistic detail, the ongoing fight over EPA¶ rulemaking is probably the most important environmental battle in a generation. Since 2007, thanks to the pressure and lawsuits of green activists, the EPA has had enormous—but under-utilized—power. That was the year when the Supreme Court ruled, in *Massachusetts v. Environmental Protection Agency*, that the agency should determine whether greenhouse gases threaten human health. In December 2010, the EPA published a science-based "endangerment finding," which found that CO2 and five other greenhouse gases are, in fact, dangerous to human life because they cause global warming.¶ Once the EPA issues an endangerment finding, it is legally bound to promulgate regulations to address the problem. The first of these post-*Massachusetts v. EPA* "tailoring rules" were for "mobile sources." Between 2011 and 2012, regulations for cars and for trucks went into effect. Then the EPA set strict limits for new power plants in 2012. But other major sources of greenhouse gas pollution—like existing electric power plants (which pump out roughly 40 percent of the nation's total GHG emissions), oil refineries, cement plants, steel mills, and shipping—have yet to be properly regulated pursuant to *Massachusetts v. EPA*.¶ If the EPA were to use the Clean Air Act—and do so "with extreme prejudice"—it could impose a de facto carbon tax. Industries would still be free to burn dirty fossil fuels, but they would have to use very expensive, and in some cases nonexistent, new technology to meet emission standards. Or they would have to pay very steep and mounting fines for their emissions. Such penalties could reach thousands of dollars per day, per violation. Thus, a de facto carbon tax. Then cheap fossil fuel energy would become expensive, driving investment toward carbon-neutral forms of clean energy like wind and solar. For extra measure we could end fossil fuel subsidies. Before long,

it would be more profitable to invest in clean energy sources than dangerous and filthy ones.¶ Big Green Buy and U.S. “Shadow Socialism”¶ According to clean-tech experts, innovation is now less important than rapid, large-scale implementation. In other words, developing a clean-energy economy is not about new gadgets but about new policies. Most of the energy technologies we need already exist. You know what they are: wind farms, concentrated solar power plants, geothermal and tidal power, all feeding an efficient smart grid that, in turn, powers electric vehicles and radically more energy-efficient buildings.¶ But leading clean technologies remain slightly more expensive than the old dirty-tech alternatives. This “price gap” is holding back the mass application of clean technology. The simple fact is that capitalist economies will not switch to clean energy until it is cheaper than fossil fuel. The fastest way to close the price gap is to build large clean-tech markets that allow for economies of scale. But what is the fastest way to build those markets? More research grants? More tax credits? More clumsy pilot programs?¶ Government procurement is one of the hidden tools of American capitalism’s “shadow socialism.”¶ No. The fastest, simplest way to do it is to reorient government procurement away from fossil fuel energy and toward clean energy and technology—to use the government’s vast spending power to create a market for green energy. Elsewhere, I have called this the Big Green Buy. Consider this: federal, state, and local government constitute more than 38 percent of our GDP. In more concrete terms, Uncle Sam owns or leases more than 430,000 buildings (mostly large office buildings) and 650,000 vehicles. (Add state and local government activity, and all those numbers grow by about a third again.) The federal government is the world’s largest consumer of energy and vehicles, and the nation’s largest greenhouse gas emitter.¶ Government procurement is one of the hidden tools of American capitalism’s “shadow socialism.” By shadow socialism I refer to the massively important but often overlooked role of government planning, investment, subsidy, procurement, and ownership in the economic development of American capitalism. A detailed account of that history is offered in Michael Lind’s book *Land of Promise*. From railroads, to telecommunications, and aviation and all the attendant sub-industries of these sectors, government has provided the capital and conditions for fledgling industries to grow large. For example, government didn’t just fund the invention of the microprocessor; it was also the first major consumer of the device. Throughout the 1950s, more than half of IBM’s revenue came from government contracts. Along with money, these contracts provided a guaranteed market and stability for IBM and its suppliers, and thus attracted private investment—all of which helped create the modern computer industry.¶ Now consider the scale of the problem: our asphalt transportation arteries are clogged with 250 million gasoline-powered vehicles sucking down an annual \$200 to \$300 billion worth of fuel from more than 121,000 filling stations. Add to that the cost of heating and cooling buildings, jet travel, shipping, powering industry, and the energy-gobbling servers and mainframes that are the Internet, and the U.S. energy economy reaches a spectacular annual tab of 1.2 trillion dollars.¶ A redirection of government purchasing would create massive markets for clean power, electric vehicles, and efficient buildings, as well as for more sustainably produced furniture, paper, cleaning supplies, uniforms, food, and services. If government bought green, it would drive down marketplace prices sufficiently that the momentum toward green tech would become self-reinforcing and spread to the private sector.¶ Executive Order 13514, which Obama signed in 2009, directed all federal agencies to¶ increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and storm water management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations.¶ The executive order also stipulates that federal agencies immediately start purchasing 95 percent through green-certified programs and achieve a 28 percent greenhouse gas reduction by 2020. But it has not been robustly implemented.¶ Government has tremendous latitude to leverage green procurement because it requires no new taxes, programs, or spending, nor is it hostage to the holy grail of sixty votes in the Senate. It is simply a matter of changing how the government buys its energy, vehicles, and services. Yes, in many cases clean tech costs more up front, but in most cases, savings arrive soon afterward. And government—because of its size—is a market mover that can leverage money-saving deals if it wishes to. ¶ Protest and the “Relative Autonomy” of the State¶ Why would the capitalist state move to euthanize the fossil fuel industry, that most powerful fraction of the capitalist class? Or put another way, how can the state regain some of its “relative autonomy” from capital? History indicates that massive, crisis-producing protest is one of the most common reasons a modern state will act against the interests of specific entrenched elites and for the “general interest” of society. When the crisis of protest is bad enough, entrenched elites are forced to take a loss as the state imposes ameliorative action for the greater good of society.¶ Clearly, we need to build a well-organized, broadly supported, yet tactically and strategically radical movement to demand proper climate policy. For such a movement to be effective it must use myriad tactics, from lawsuits and lobbying to direct action such as tree-sits, road blockades, and occupations aimed at the infrastructure of the fossil fuel industry. Only by disrupting the working of the political and economic system as a whole can we forge a consensus that ending the fossil fuel sector is essential. (The work of Francis Fox Piven and Richard Cloward is, in my opinion, still among the best in tracing the dynamic of this process of rebellion and reform.)¶ At question, then, is not just the state’s capacity to evolve, but the capacity of the American people to organize and mobilize on a massive scale. Far be it from me to say exactly how such movements could or should be built, other than the way they always have been: by trial and error and with good leadership. Movement building is a mass and organic process.¶ The Rebellion of Nature¶ Along with protest, a more organic source of crisis is already underway and may also help scare political elites into confronting big carbon. Climate change is a “rebellion of nature,” by which I mean the disruption caused by ecological breakdown. The history of environmental regulation in the West is, in many ways, the story of protest and advocacy combining with the rebellion of nature at the local (urban) scale. Together, they have forced rudimentary regulation in the name of health and sanitation.¶ By the 1830s, America’s industrial cities had become perfect incubators of epidemic disease, particularly cholera and yellow fever. Like climate change today, these diseases hit the poor hardest, but they also sickened and killed the wealthy. Class privilege offered some protection, but it was not a guarantee of safety. And so it was that middle-class “goo-gooes” and “mugwumps” began a series of reforms that contained and eventually defeated the urban epidemics.¶ First, garbage-eating hogs were banned from city streets, then public sanitation programs of refuse collection began, sewers were built, safe public water provided, and housing codes were developed and enforced. Eventually, the epidemics of cholera stopped. Soon other infectious diseases, such as pulmonary tuberculosis, typhus, and typhoid, were largely eliminated. At the scale of the urban, capitalist society solved an environmental crisis through planning and public investment.¶ Climate change is a problem of an entirely different order of magnitude, but these past solutions to smaller environmental crises offer lessons. Ultimately, solving the climate crisis—like the nineteenth-century victory

over urban squalor and epidemic contagions—will require a re-legitimation of the state’s role in the economy.¶ The modern story of local air pollution offers another example of the “rebellion of nature.” As Jim McNeil outlines in *Something New Under The Sun*, smog inundations in industrial cities of the United States and Europe used to kill many people. In 1879–1880 smog killed 3,000 Londoners, and in Glasgow a 1909 inversion—where cold air filled with smoke from burning coal was trapped near the ground—killed 1,063. As late as 1952, a pattern of cold and still air killed 4,000 people in London, according to McNeil, and even more according to others. By 1956, the Britons had passed a clean air act that drove coal out of the major cities. In the United States there was a similar process. In 1953, smog in New York killed between 170 and 260 people, and as late as 1966 a smog inversion killed 169 New Yorkers. All of this helped generate pressure for the Clean Air Act of 1970.¶ Today, a similar process is underway in China. Local air quality is so bad that it is forcing changes to Chinese energy policy. A major World Bank study has estimated that “the combined health and non-health cost of outdoor air and water pollution for China’s economy comes to around \$US 100 billion a year (or about 5.8% of the country’s GDP).” People across China are protesting pollution. Foreign executives are turning down positions in Beijing because of the toxic atmospheric stew that western visitors have taken to calling “airpocalypse.” The film director Chen Kaige, who won the Palme d’Or for his 1993 film *Farewell My Concubine*, told the world he couldn’t think or make films because of the Chinese capital’s appallingly bad air.¶ These local pressures are a large part of what is driving Chinese investment in renewable energy. Last year China added more energy capacity from wind than from the coal sector.¶ Capitalism vs. Nature?¶ Some of the first thinkers to note a conflict between capitalism and non-human nature were Karl Marx and Friedrich Engels. They came to their ecology through examining the local problem of relations between town and country—expressed simultaneously as urban pollution and rural soil depletion. In exploring this question they relied on the pioneering work of soil chemist Justus von Liebig. And from this small-scale problem, they developed the idea of capitalism creating a rift in the metabolism of natural processes.¶ Here is how Marx explained the dilemma:¶ Capitalist production collects the population together in great centers, and causes the urban population to achieve an ever-growing preponderance. This has two results. On the one hand it concentrates the historical motive force of society; on the other hand, it disturbs the metabolic interaction between man and the earth, i.e., it prevents the return to the soil of its constituent elements consumed by man in the form of food and clothing; hence it hinders the operation of the eternal natural condition for the lasting fertility of the soil....All progress in capitalist agriculture is a progress in the art, not only of robbing the worker, but of robbing the soil.¶ And as with “soil robbing,” so too concentrations of atmospheric CO₂: the natural systems are out of sync; their elements are being rearranged and redistributed, ending up as garbage and pollution.¶ It may well be true that capitalism is incapable of accommodating itself to the limits of the natural world. But that is not the same question as whether or not capitalism can solve the climate crisis. Climate mitigation and adaptation are merely an effort to buy time to address the other larger set of problems that is the whole ecological crisis.¶ This is both a pessimistic and an optimistic view. Although capitalism has not overcome the fundamental conflict between its infinite growth potential and the finite parameters of the planet’s pollution sinks, it has, in the past, addressed specific environmental crises.¶ Anyone who thinks the existing economic system must be totally transformed before we can deal with the impending climate crisis is delusional or in willful denial of the very clear findings of climate science. If the climate system unravels, all bets are off. The many progressive visions born of the Enlightenment will be swallowed and forgotten by the rising seas or smashed to pieces by the wrathful storms of climate chaos.

Groupthink Advantage

Groupthink-

They say U.S not key-

Kennedy 12 evidence says directly we deter Russia

They say Obama resists group think

Obama groupthinks — Cabinet elections prove

Ignatius 13 — David Ignatius, 2013 (“In Obama’s new Cabinet, rivals out, loyalists in,” Washington Post, February 22nd, available online at http://www.washingtonpost.com/opinions/david-ignatius-in-obamas-new-cabinet-rivals-out-loyalists-in/2013/02/22/13f2f27e-7c73-11e2-82e8-61a46c2cde3d_story.html, accessed 7/14/15) JL

During President Obama’s first term, there was hidden friction between powerful Cabinet secretaries and a White House that wanted control over the foreign-policy process. Now Obama has assembled a new team that, for better or worse, seems more likely to follow the White House lead.

The first term featured the famous “team of rivals,” people with heavyweight egos and ambitions who could buck the White House and get away with it. Hillary Clinton and Bob Gates were strong secretaries of state and defense, respectively, because of this independent power. Leon Panetta had similar stature as CIA director, as did David Petraeus, who became CIA director when Panetta moved to the Pentagon.

The new team has prominent players, too, but they’re likely to defer more to the White House. Secretary of State John Kerry has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so. Chuck Hagel, who will probably be confirmed next week as defense secretary, is a feisty combat veteran with a sometimes sharp temper, but he has been damaged by the confirmation process and will need White House cover.

John Brennan, the nominee for CIA director, made a reputation throughout his career as a loyal deputy. This was especially true these past four years, when he carried the dark burden of counterterrorism policy for Obama.

It’s a Washington truism that every White House likes Cabinet consensus and hates dissent. But that’s especially so with Obama’s team, which has centralized national security policy to an unusual extent.

This starts with national security adviser Tom Donilon, who runs what his fans and critics agree is a “tight process” at the National Security Council (NSC). Donilon was said to have been peeved, for example, when a chairman of the Joint Chiefs of Staff insisted on delivering a dissenting view to the president.

This centralizing ethos will be bolstered by a White House team headed by Denis McDonough, the new chief of staff, who is close to Obama in age and temperament. Tony Blinken, who was Vice President Biden’s top aide, has replaced McDonough as NSC deputy director, and State Department wunderkind Jacob Sullivan, who was Clinton’s most influential adviser, is expected to replace Blinken. That’s lot of intellectual firepower for enforcing a top-down consensus.

The real driver, obviously, will be Obama, and he has assembled a team with some common understandings. They share his commitment to ending the war in Afghanistan and avoiding new foreign military interventions, as well as his corresponding belief in diplomatic engagement. None has much experience managing large bureaucracies. They have independent views, to be sure, but they owe an abiding loyalty to Obama.

In Obama’s nomination of people skeptical about military power, you can sense a sharp turn away from his December 2009 decision for a troop surge in Afghanistan. The White House felt jammed by the

military's pressure for more troops, backed by Gates and Clinton. Watching Obama's lukewarm support for the war after 2009, one suspected he felt pushed into what he eventually concluded was a mistake. Clearly, he doesn't intend to repeat that process.

Obama's choice for CIA director is also telling. The White House warily managed Petraeus, letting him run the CIA but keeping him away from the media. In choosing Brennan, the president opted for a member of his inner circle with whom he did some of the hardest work of his presidency. Brennan was not a popular choice at the CIA, where some view him as having been too supportive of the Saudi government when he was station chief in Riyadh in the 1990s; these critics argue that Brennan didn't push the Saudis hard enough for intelligence about the rising threat of Osama bin Laden. But agency officials know, too, that the CIA prospers when its director is close to the president, which will certainly be the case with Brennan and Obama.

Obama has some big problems coming at him in foreign policy, starting with Syria and Iran. Both will require a delicate mix of pressure and diplomacy. To get the balance right, Obama will need a creative policy debate where advisers "think outside the box," to use the management cliché.

Presidents always say that they want that kind of open debate, and Obama handles it better than most. But by assembling a team where all the top players are going in the same direction, he is perilously close to groupthink.

They Say- Turn: Political resolve key to deterring Russia

.The aff would take the stance that we have to take polical action by end this program – to solve deterrence with Russia without it- there would still be problems especially with putin that’s the 1ac Parry 15 evidence

They say They say- No nuclear war

Yes nuclear war- the Middle East is a prime example of instability. The slightest things could tip the over the edge. Prefer our evidence- Beres 15 - Professor of international law instead of the Shukla 15, a reporter.

They say not effects policy directly-

Kennedy 12 says it directly affects foreign policy- specially Russia

They say Russia will get bulked up- answer this.

Groupthink Updates

Ukraine/Russia/U.S. War Impact

Ukraine goes nuclear

Robert Legvold 14, Marshall D. Shulman Professor Emeritus at Columbia University, "Managing the New Cold War," July-August 2014, Foreign Affairs, <http://www.foreignaffairs.com/articles/141537/robert-legvold/managing-the-new-cold-war>

That hope is now gone. **The crisis in Ukraine has pushed the two sides over a cliff** and into a new relationship, one not softened by the ambiguity that defined the last decade of the post-Cold War period, when each party viewed the other as neither friend nor foe. Russia and the West are now adversaries. Although this new Cold War will be fundamentally different from the original, it will still be immensely damaging. Unlike the original, the new one won't encompass the entire global system. The world is no longer bipolar, and significant regions and key players, such as China and India, will avoid being drawn in. In addition, the new conflict will not pit one "ism" against another, nor will it likely unfold under the permanent threat of nuclear Armageddon. Yet **the new Cold War will affect nearly every important dimension of the international system**, and Putin's emphasis on Russia's alienation from contemporary Western cultural values will add to the estrangement. Finally, **were a security crisis in the center of Europe to escalate, the danger of nuclear war could quickly return**. For both Moscow and

Washington, then, the top priority must be to contain the conflict, ensuring that it ends up being as short and as shallow as possible. To achieve that goal, both sides must carefully study the lessons of the original Cold War. During that conflict, the two sides, despite their bitter rivalry, were eventually able to develop a variety of mechanisms for reducing tensions and containing risks. By the 1970s, U.S. and Russian leaders had come to see managing the contest and focusing on areas of cooperation, especially nuclear arms control, as their principal tasks. Without discounting the fundamental differences that set them at odds, leaders on both sides embraced the wisdom of engaging, rather than isolating, the other. Toward the end of the original Cold War, the earnest, albeit fumbling, efforts of U.S. President Ronald Reagan and Soviet Premier Mikhail Gorbachev to understand what drove each other greatly influenced the final outcome. Today, as leaders in Moscow and Washington move in the other direction, they might pause and reflect on how the wisest among their predecessors approached the original Cold War. THE BIG CHILL For all the differences between the two periods, the new Cold War will share many of its predecessor's features. First, Russian and Western leaders have already begun framing the standoff in unforgiving terms -- much as their predecessors did at the start of the first Cold War, most famously with Soviet Premier Joseph Stalin's February 1946 prelection speech and British Prime Minister Winston Churchill's Iron Curtain speech a month later. This past March, for example, Putin defended Russia's annexation of Crimea by saying that Washington and its European allies were guided by "the rule of the gun" rather than international law and were convinced that their "exceptionalism" allowed them to unlawfully use force against sovereign states, "building coalitions based on the principle, 'If you are not with us, you are against us.'" In May, Alexander Vershbow, the deputy secretary-general of NATO, asserted that Russia should now be considered "more of an adversary than a partner." Second, as in the early phases of the original Cold War, each side sees the conflict as a result solely of the actions -- or even the nature -- of the other. Neither pays attention to the complicated interactions that brought relations to their present low. This preoccupation with pinning fault on the other side recalls attitudes during the late 1950s and early 1960s, when each side viewed the other as inherently alien. Only after surviving the perils of the Berlin crisis of 1958-61 and the Cuban missile crisis in 1962 did the Americans and the Soviets step back and consider where their interests converged. Over the next ten years, they negotiated three major arms control agreements: the Limited Test Ban Treaty, the Nuclear Nonproliferation Treaty, and the first Strategic Arms Limitation Talks (SALT I). Third, as during much of the original Cold War, neither side now expects much from the relationship. Isolated moments of cooperation might emerge when the two sides' interests on specific issues happen to coincide. But neither believes it feasible to pursue cooperation across a broad front with the aim of changing the nature of the relationship overall. Nor does either camp seem willing to take the first step in that direction. Fourth, to punish Moscow and to signal the price it will pay for further aggression, Washington has resorted to a series of Cold War-style reprisals. Beginning in March, it put military-to-military activities with Russia on hold and ended missile defense negotiations. The Obama administration has also banned the export to Russia of civilian technology with potential military applications, suspended cooperation with Russia on civilian nuclear energy projects, cut off NASA's contacts with its Russian counterpart, and denied Russian specialists access to the laboratories of the U.S. Department of Energy. Many of these measures will likely remain in place after the Ukraine crisis ends. And even those that are lifted will leave a corrosive residue. Fifth, and most serious, just as the confrontation over security in the heart of Europe constituted the epicenter of the original Cold War, renewed uncertainty over central and eastern Europe's stability will drive this one as well. Beginning in the 1990s, NATO's expansion into much of eastern Europe, including the Baltic states, moved Europe's political-military border to the edges of the former Soviet Union. NATO enlargement also transformed Belarus, Moldova, and Ukraine into the new "lands in between," successors to Poland and the parts of the Austro-Hungarian Empire that the great powers fought over, with tragic results, in the nineteenth and twentieth centuries. Today, as Moscow fortifies its Western Military District, a key military command, and NATO refocuses on Russia, the military standoff over continental Europe, which took two decades to dismantle, will swiftly be reconstituted on Europe's eastern edge. RED ZONE Some might assume that the new Cold War, although undesirable, won't matter nearly as much as the last one did, especially since modern Russia presents a mere shadow of the threat once posed by the Soviet Union. It is true, of course, that the United States enjoys massive material advantages over its adversary: its economy is around eight times as large as Russia's, and its military budget is seven times as large. Moreover, the magnitude of the other challenges Washington faces, from turbulence in the Middle East to rising tensions in the Asia-Pacific, might make a collapse of Russia's relations with the United States and most of Europe seem relatively unimportant. Moscow and Washington must focus on making the new Cold War as short and as shallow as possible. But to doubt the likelihood or significance of a prolonged confrontation would be deeply misguided. In truth, if Russia and the United States approach each other in starkly adversarial terms, the conflict will badly warp the foreign policies of both countries, damage virtually every important dimension of international politics, and divert attention and resources from the major security challenges of the new century. Consider Washington's position in the Asia-Pacific, toward which it has for several years now intended to rebalance its diplomatic and military resources. Recent events in Ukraine have already caused Tokyo to fear that Washington's new focus on Europe will diminish its commitment to Asia -- and, more specifically, its commitment to helping Japan ward off a rising China. Japanese leaders even worry that Obama's relatively mild response to Moscow's annexation of Crimea foreshadows how Washington would react if Beijing seized the disputed Senkaku Islands (known in China as the Diaoyu Islands), in the East China Sea. Moreover, a belligerent Russia will have every incentive to hinder, rather than help, the United States' efforts to manage the delicate task of deterring Chinese aggression while widening the sphere of U.S.-Chinese cooperation. Similarly, at a time when Washington needs Russian cooperation to address new sources of global disorder, Moscow will instead step aside, impairing U.S. efforts to deal with terrorism, climate change, nuclear proliferation, and cyberwarfare. The pressure to reorient U.S. defense planning to meet what many members of the U.S. Congress and many of Washington's eastern European allies see as a revived Russian military threat will complicate the Pentagon's effort to save money by modernizing and downsizing. The U.S. military, which is currently focused on counterterrorism and securing access to the seas surrounding China, will now have to beef up its capabilities to fight a ground war in Europe. The new Cold War with the United States and Europe will hurt Russia even more, especially because Moscow is much more dependent on the West than vice versa, in at least one critical respect. To diversify its resource-dependent economy and modernize its aging, Soviet-era infrastructure, Russia has counted on an inflow of Western capital and technology. To the degree that this option is lost, Moscow will be forced to become vastly more dependent either on its relationship with Beijing -- in which it is a distinctly junior partner -- or on scattered partnerships with countries that do not offer anything resembling the resources of the United States and Europe. Only four years ago, after the global financial crisis had laid bare the weakness of the Russian economy, then Russian President Dmitry Medvedev argued that the country sorely needed "special alliances for modernization" with the United States and the countries of the EU. But now, as the crisis in Russia's relations with those countries deepens, Russia is already feeling the crunch, as capital is fleeing the country, its credit markets are shrinking, and its economy will soon enter a recession. Such economic hardship may prompt Russian leaders to preemptively clamp down on domestic dissent even harder than they already have to avert potential social unrest at home, which would mean a level of repression that could backfire and at some point produce the very kind of widespread opposition the Kremlin fears. Meanwhile, Russia's poisoned relations with the United States and its European allies might well lead such Russian partners as Armenia, Belarus, and Kazakhstan -- all of which are crucial to Russia's plans for a Eurasian economic union and a stronger Collective Security Treaty Organization -- to subtly distance themselves from Moscow for fear of tainting their own relationships with the Western powers. The new confrontation with the West will also force Russia to stretch its military resources thin. That will leave Moscow poorly equipped to handle a host of other security challenges, such as violence in the northern Caucasus and instability in Central Asia, the latter of which is compounded by the unpredictable futures facing Afghanistan and Pakistan. Russia must also defend its vast border with China and prepare for a potential conflict between North and South Korea. PRESSURE POINTS The collapse of Russia's relations with the West will not only distort U.S., European, and Russian foreign policy but also inflict serious harm on a broad array of international issues. What still remains of the arms control regime that took Russia and the United States years to build will now largely come undone. The new Cold War has eliminated any chance that Moscow and Washington will resolve their differences over missile defense, a Russian precondition for further strategic arms control agreements. Instead, the two sides will likely start developing new and potentially destabilizing technologies, including advanced precision-guided conventional weapons and cyberwarfare tools. Meanwhile, the European component of the U.S. missile defense program will now likely take on a specifically anti-Russian character, particularly because the Obama administration reportedly believes that Russia has violated the 1987 Intermediate-Range Nuclear Forces Treaty. And it is unlikely that Moscow and Washington will be able to agree on how to place limits on the deployment of major weapons systems in Europe. The new Cold War has also dashed any hopes of strengthening other basic agreements, such as the 1992 Treaty on Open Skies, which regulates unarmed aerial surveillance flights. Geostategic calculations will now also assume a far more dominant role in U.S.-Russian energy relations. Each side will attempt to use the oil and gas trade to gain leverage over the other and minimize its own vulnerability. In the Arctic, the chances for U.S.-Russian cooperation in developing that region's vast hydrocarbon reserves will surely shrink. More broadly, the new Cold War will set back international efforts to deal with the impact of climate change on the Arctic -- an issue on which U.S.-Russian relations have been surprisingly cooperative. One of the most successful but underappreciated aspects of recent U.S.-Russian relations has been the progress made by the 20 working groups of the U.S.-Russia Bilateral Presidential Commission, which was established in 2009 to facilitate high-level cooperation on a range of policies, from prison reform and military education to civilian emergencies and counterterrorism. It seems unlikely that such cooperation will continue, much less improve, during the new Cold War. Moscow and Washington will also struggle to align their positions on key matters of global governance, including the much-needed reforms of the UN, the International Monetary Fund, and the Organization for Security and Cooperation in Europe. Washington is now focused on excluding Russia where possible (from the G-8, for example) and circumscripting Russia's role elsewhere. Meanwhile, Moscow will work harder than before to supplant U.S. and European influence in these institutions. Finally, should one or more of the long-simmering conflicts in the post-Soviet region again explode, the chances that Russia and the United States would act together to contain the violence seem close to zero. Instead, were Nagorno-Karabakh, in Azerbaijan, or Transnistria, in Moldova, to blow up, Moscow and Washington would both be far more likely to focus on counteracting what they each saw as the malevolent

role of the other. DAMAGE CONTROL **The immediate crisis in Ukraine** even if momentarily muffled, **has scarcely ended**. The presidential election in May could not settle the crisis of legitimacy facing Ukraine's leadership, which lacks the trust of the eastern part of the country. Nor will the modest aid packages currently being cobbled together by the International Monetary Fund and other Western

donors resolve the deep structural problems eating away at Ukraine's economy, namely unconstrained corruption and the power exerted by a small number of oligarchic clans. In short, **the country has a long slog ahead, filled with political and economic uncertainty**. Yet Ukraine forms only part of a larger and more ominous picture. **Europe's**

stability which only recently seemed assured, now **appears** more **tenuous**. A new fault line has opened up in **the heart of the continent and instability** anywhere within it – not only in Ukraine but in Belarus or Moldova as well – **will** likely **lead to an escalating confrontation between the East and the West**. **Leaders** in Moscow and Washington **need to face up to** this **reality and to the price they will pay if they blind themselves to the larger consequences of the new Cold War**. Understating both the risks and the costs will only lead to underestimating how much effort will be required to surmount them. The overarching goal of both Moscow and Washington must therefore be to make the new Cold War as quick and as shallow as possible.

AT: No groupthink from Obama

Presidential groupthink increasing and risks being unabated -- the impact is unfettered authority

Thompson, 13 [3/4/13, Pulitzer Prize-winner Mark Thompson has covered national security in Washington since 1979, and for Time since 1994, "Decision-Making, Lite", March 04, 2013 <http://nation.time.com/2013/03/04/decision-making-lite/>]

How much outside advice – from the Pentagon and other places – does a President need before making national-security decisions?

Plainly he doesn't need any, short of going to war (and even that is now in question, as we'll get to later). But it's good politics to share such decision-making. First of all, it invests the wider circle in the policy's ultimate success. Secondly, when things go wrong and invariably, they do – it's better not to be the only one holding the bag. We noted recently the dearth of advice President Obama got as he

made his decision to cut the 66,000 U.S. troops now in Afghanistan by 34,000 – more than half – over the coming year. It seemed just a little strange that the Army's No. 2 officer – now off to run U.S.

Central Command, which includes Afghanistan – knew nothing of the number. "I was not a part of the process that helped to generate the proposals for the numbers of troops to be drawn down, and the rate at which they should be drawn down," General Lloyd Austin told the Senate Armed Services Committee at his Feb. 14 confirmation hearing, two days after Obama announced the figure during his State of the Union address. Austin declined to say he supported the pace of the ramp down, when asked about it, and seemed to correct Sen. John McCain, R-Ariz., when McCain concluded Austin had been "excluded" from the internal debate on the issue. "I was not included," Austin countered. Even given your imminent responsibility overseeing the war in Afghanistan? McCain responded. "I was not included," Austin said again. Then Battleland learned, from someone who has been in the tank with the Joint Chiefs of Staff in recent months, that the nation's senior military advisers hadn't discuss the wisdom of the 34,000 number, either. "The first time I heard the number 34,000," said one senior military officer who was in the Joint Chiefs' secret meeting room for the recent sessions, "was during the State of the Union."

Why are such decisions being made without the input of senior U.S. military leaders? What's the point of having a super-secret tank inside the Pentagon if the Joint Chiefs don't use it to debate and devise the right military strategy? Plainly, the President got advice from Army General Martin Dempsey, chairman of the Joint Chiefs, Marine General John Allen, the four-star officer in command of the Afghan war at the time, and his successor, four-star Marine General Joe Dunford, who assumed command four days before the State of the Union speech. But what about everybody else? Discussing the topic with former top Pentagon officials, both in an out of uniform, leads to several suggestions responsible for the current state of affairs. First, the Pentagon itself has choked down on the flow of information, even among its most senior leaders. It was the one-two punch of the attacks of 9/11, combined with then-Defense Secretary Don Rumsfeld's close-hold management style, that has limited such military consultations, several officials say. The tight hold on information, they contend, continued into the tenures of defense secretaries Robert Gates and Leon Panetta. "Rumsfeld had been defense secretary the first time (1975-77) pre-Goldwater-Nichols," one retired four-star officer says, referring to the 1986 law that empowered the chairman of the Joint Chiefs while diminishing the role of the service chiefs. "It's been pretty much that way ever since: the Joint Chiefs have sort of taken a back seat, and many have complained about it." Rumsfeld also didn't care for the increased clout given regional commanders, like U.S. Central Command, under Goldwater-Nichols, these officers say. He barred the term "commander-in-chief" – CINC (pronounced "sink") – for combatant commanders, thinking it should be reserved for the President. And the regional commanders' clout – represented by their four-star rank – was diluted once the guys actually running the wars one level beneath them were promoted to four-star rank, too. In Iraq, the first four-star war commander was General George Casey (2004-07), followed by Army generals David Petraeus (2007-08) Ray Odierno (2008-10) and Austin (2010-2011). In Afghanistan, the first U.S. four-star war commander was Army General Dan McNeill (2007-08), followed by Army generals David McKiernan (2008-09), Stanley McChrystal (2009-10) and Petraeus (2010-2011). The last pair of four-star officers in command have been Marine generals Allen (2011-13) and Dunford. "This encourages Washington to deal directly with the field commander, keeping the CINC from really getting engaged, except for coming back for hearings," the retired four-star says. "Regional commanders think differently than a theater commander who's out there for a year or two, and they've changed commanders every year in Afghanistan." That, in turn, removes the regional calculation from much recent U.S. war strategy. "None of these conflicts is bound within the borders of a single country," another senior officer says. "The war in Afghanistan involves Pakistan, Iran, central Asia and NATO...but when all the focus is on the theater commander, the regional context tends to be ignored." The fact that the chiefs weren't solicited for their views before deciding on how fast U.S. troops would pull out of Afghanistan has upset both currently-serving and retired senior officers. "The service chiefs' voice is critically important," says one, "because the service chiefs are the providers of the forces to the fight. All three elements – giving theater commanders four stars, cutting down on input from regional commanders, and sidelining the service chiefs who together make up the Joint Chiefs of Staff – could cause trouble." "The problem comes from making them four-stars, and letting them bypass the regional commanders and the Joint Chiefs," the four-star officer says. "It sort of throws out the whole concept of Goldwater-Nichols, which was sort of this more collegial body that presented the best advice and offered differing views. It means you don't know the long-term damage you're doing, the consequences of your actions, you don't know the regional impact of what you're doing, and you don't know the costs that you're inflicting on the services – those are the downsides." A former top Pentagon civilian says he felt it was "vital" that "the service chiefs and the combatant commanders [were] fully involved in discussions about the key

issues we were facing." Such debates "are, by their nature, extremely complex and will benefit from the fullest possible consideration." And, he continues, there's a benefit to expanding

the number of those involved in such decisions to make the nation's senior military leaders part of the process. "I

found them to be entirely comfortable with the notion of civilian control," he adds, "and all the more so when they felt consulted and respected by those civilians." This tendency to keep one's military cards close to the presidential vest could come back to haunt Obama. It is already spreading to his civilian foreign-policy advisers. The Washington Post's David Ignatius warned in a Feb. 22 column, and he "is perilously close to groupthink." The same day, in the

Wall Street Journal, Mackubin Owens a professor at the Naval War College said he is dismayed by reports that Marine General James

Mattis was booted from his Central Command post (making room for Austin) because he disagreed too often with the White House's view. "A president has every right to choose the generals he wants, but it is also the case that he usually gets the generals he deserves," Owens wrote. "By pushing Gen. Mattis overboard, the

administration sent a message that it doesn't want smart, independent-minded generals who speak candidly to their civilian leaders. What other generals and admirals are likely to take from this is that they should go along to get along, a very bad message for the health of U.S. civil-military relations." The same bug apparently spread to the State Department as well. "My time in the Obama administration turned out to be a deeply disillusioning experience. The truth is that his administration made it extremely difficult for its own foreign-policy experts to be heard," writes Vali Nasr, a former top aide to the late Richard Holbrooke, charged with managing the Afghan-Pakistan diplomatic portfolio during Obama's first term. "The president had a truly disturbing habit of funneling major foreign-policy decisions through a small cabal of relatively inexperienced White House advisors whose turf was strictly

politics," Nasr writes in an excerpt from his forthcoming book, The Dispensable Nation, published on the Foreign Policy website Monday. This lack of consultation may not be limited

to relations among elements of the Administration. James Webb – ex-Democratic senator from Virginia, Navy secretary during the Reagan Administration, and a highly-decorated Marine infantry officer in Vietnam – says the Administration is stifling Congress, too (in part because Congress finds it convenient to avoid taking a stand on the use of military force that might turn too bloody for its

constituents). Congressional approval, which used to be a given in matters of war and peace, has become a quaint artifact of a bygone era, Webb argues in the latest issue of The National Interest. "In May 2012, after what was officially termed 'a year-and-a-half of negotiations,' President Obama traveled overnight to Afghanistan in order to sign a strategic partnership agreement with Afghan president Hamid Karzai. The agreement was characterized by the White House as 'a legally binding executive agreement, undertaken between two sovereign nations,'" Webb writes. "It is difficult to understand how any international agreement negotiated, signed and authorized only by our executive branch of government can be construed as legally binding in our constitutional system. And, with respect to Afghanistan, one strains to find the rationale under which the president alone holds the power to commit our country to a long-term economic and security arrangement that far transcends his authority as commander in chief to oversee combat

operations against international terrorism. If such an agreement were "legally binding," one must ask what law binds it and how, and against whom it would be enforced?" Things got even worse in when the U.S. and NATO began bombing Libya in March 2011, Webb asserts: Was our country under attack, or under the threat of imminent attack? No. Was a clearly vital national interest at stake? No. Were we invoking the inherent right of self-defense as outlined in the UN Charter? No. Were we called upon by treaty commitments to come to the aid of an ally? No. Were we responding in kind to an attack on our forces elsewhere, as we did in the 1986 raids in Libya after American soldiers had been killed in a Berlin disco? No. Were we rescuing Americans in distress, as we did in Grenada in 1983? No... Under the objectively undefinable rubric of "humanitarian intervention," President **Obama has** arguably **established the authority of the president to intervene** militarily virtually **anywhere without the consent** or the approval **of Congress, at his own discretion and for as long as he wishes.** It is not hyperbole to say that **the president himself can** now **bomb a country with which we maintain diplomatic relations, in support of loosely aligned opposition groups** that do not represent any coalition that we actually recognize as an alternative. We know he can do it because he already has done it.

Groupthink pervades—Obama's cabinet is too homogenous.

Ignatius 13

(David Ignatius, Journalist, associate editor and columnist for the New York Post, "Out: Team of rivals. In: Obama's guys." 2/22, pg online @ http://www.washingtonpost.com/opinions/david-ignatius-in-obamas-new-cabinet-rivals-out-loyalists-in/2013/02/22/13f2f27e-7c73-11e2-82e8-61a46c2cde3d_story.html)

During President Obama's first term, there was hidden friction between powerful Cabinet secretaries and a White House that wanted control over the foreign-policy process. Now Obama has assembled a new team that, for better or worse, seems more likely to follow the White House lead. The first term featured the famous "team of rivals," people with heavyweight egos and ambitions who could buck the White House and get away with it. Hillary Clinton and Bob Gates were strong secretaries of state and defense, respectively, because of this independent power. Leon Panetta had similar stature as CIA director, as did David Petraeus, who became CIA director when Panetta moved to the Pentagon. The new team has prominent players, too, but they're likely to defer more to the White House. Secretary of State John Kerry has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so. Chuck Hagel, who will probably be confirmed next week as defense secretary, is a feisty combat veteran with a sometimes sharp temper, but he has been damaged by the confirmation process and will need White House cover. John Brennan, the nominee for CIA director, made a reputation throughout his career as a loyal deputy. This was especially true these past four years, when he carried the dark burden of counterterrorism policy for Obama. It's a Washington truism that every White House likes Cabinet consensus and hates dissent. But that's especially so with Obama's team, which has centralized national security policy to an unusual extent. This starts with national security adviser Tom Donilon, who runs what his fans and critics agree is a "tight process" at the National Security Council (NSC). Donilon was said to have been peeved, for example, when a chairman of the Joint Chiefs of Staff insisted on delivering a dissenting view to the president. This centralizing ethos will be bolstered by a White House team headed by Denis McDonough, the new chief of staff, who is close to Obama in age and temperament. Tony Blinken, who was Vice President Biden's top aide, has replaced McDonough as NSC deputy director, and State Department wunderkind Jacob Sullivan, who was Clinton's most influential adviser, is expected to replace Blinken. That's lot of intellectual firepower for enforcing a top-down consensus. The real driver, obviously, will be Obama, and he has assembled a team with some common understandings. They share his commitment to ending the war in Afghanistan and avoiding new foreign military interventions, as well as his corresponding belief in diplomatic engagement. None has much experience managing large bureaucracies. They have independent views, to be sure, but they owe an abiding loyalty to Obama. In Obama's nomination of people skeptical about military power, you can sense a sharp turn away from his December 2009 decision for a troop surge in Afghanistan. The White House felt jammed by the military's pressure for more troops, backed by Gates and Clinton. Watching Obama's lukewarm support for the war after 2009, one suspected he felt pushed into what he eventually concluded was a mistake. Clearly, he doesn't intend to repeat that process. Obama's choice for CIA director is also telling. The White House warily managed Petraeus, letting him run the CIA but keeping him away from the media. In choosing Brennan, the president opted for a member of his inner circle with whom he did some of the hardest work of his presidency. Brennan was not a popular choice at the CIA, where some view him as having been too supportive of the Saudi government when he was station chief in Riyadh in the 1990s; these critics argue that Brennan didn't push the Saudis hard enough for intelligence about the rising threat of Osama bin Laden. But agency officials know, too, that the CIA prospers when its director is close to the president, which will certainly be the case with Brennan and Obama. Obama has some big problems coming at him in foreign policy, starting with Syria and Iran. Both will require a delicate mix of pressure and diplomacy. To get the balance right, Obama will need a creative policy debate where advisers "think outside the box," to use the management cliché. Presidents always say that

they want that kind of open debate, and Obama handles it better than most. But by assembling a team where all the top players are going in the same direction, he is perilously close to groupthink.

Groupthink increasing—Obama just appointed a cabinet of Obama loyalists

Pillar 13

(Paul, Nonresident Senior Fellow at the Center for Security Studies at Georgetown University and Nonresident Senior Fellow in Foreign Policy at the Brookings Institution, contributing editor to The National Interest, “The Danger of Groupthink” The National Interest, 2/26, pg online <http://nationalinterest.org/blog/paul-pillar/the-danger-groupthink-8161> //um-ef)

David Ignatius has an interesting take on national security decision-making in the Obama administration in the wake of the reshuffle of senior positions taking place during these early weeks of the president's second term.

Ignatius perceives certain patterns that he believes reinforce each other in what could be a worrying way. One is that the new team does not have as much “independent power” as such first-term figures as Clinton, Gates, Panetta and

Petraeus. Another is that the administration has “centralized national security policy to an unusual extent” in the White House. With a corps of Obama loyalists, the substantive thinking may, Ignatius fears, run too uniformly in the same direction. He concludes his column by stating that “by assembling a team where

all the top players are going in the same direction, he [Obama] is perilously close to groupthink.” We are dealing here with tendencies to which the executive branch of the U.S. government is more vulnerable than many other advanced democracies, where leading political

figures with a standing independent of the head of government are more likely to wind up in a cabinet. This is especially true of, but not limited to, coalition governments. Single-party governments in Britain have varied in the degree to which the prime minister exercises control, but generally room is made in the cabinet for those the British call “big beasts”: leading figures in different wings or tendencies in the governing party who are not beholden to the prime minister for the power and standing they have attained. Ignatius overstates his case in a couple of respects. Although he acknowledges that Obama is “better than most” in handling open debate, he could have gone farther and noted that there have been egregious examples in the past of administrations enforcing a national security orthodoxy, and that the Obama administration does not even come close to these examples. There was Lyndon Johnson in the time of the Vietnam War, when policy was made around the president's Tuesday lunch table and even someone with the stature of the indefatigable Robert McNamara was ejected when he strayed from orthodoxy. Then there was, as the most extreme case, the George W. Bush administration, in which there was no policy process and no internal debate at all in deciding to launch a war in Iraq and in which those who strayed from orthodoxy, ranging from Lawrence Lindsey to Eric Shinseki, were treated mercilessly. Obama's prolonged—to the point of inviting charges of dithering—internal debates on the Afghanistan War were the polar opposite of this. Ignatius also probably underestimates the contributions that will be made to internal debate by the two most important cabinet members in national security: the secretaries of state and defense. He says John Kerry “has the heft of a former presidential candidate, but he has been a loyal and discreet emissary for Obama and is likely to remain so.” The heft matters, and Kerry certainly qualifies as a big beast. Moreover, the discreet way in which a member of Congress would carry any of the administration's water, as Kerry sometimes did when still a senator, is not necessarily a good indication of the role he will assume in internal debates as secretary of state. As for Chuck Hagel, Ignatius states “he has been damaged by the confirmation process and will need White House cover.” But now that Hagel's nomination finally has been confirmed, what other “cover” will he need? It's not as if he ever will face another confirmation vote in the Senate. It was Hagel's very inclination to flout orthodoxy, to arrive at independent opinions and to voice those opinions freely that led to the fevered opposition to his nomination. Nevertheless,

Ignatius is on to something that is at least a potential hazard for the second Obama term. The key factor is not so much the substantive views that senior appointees bring with them into office. As the cliché goes, a president is entitled to have working for him people who agree with his policies. The issue is instead one of how loyalty—not only to the president, but collective loyalty as part of the president's inner circle—may affect how senior officials express or push views once they are in office. In this regard it is useful to reflect on the meaning of groupthink. The term has come to be used loosely as a synonym for many kinds of conventional wisdom or failure to consider alternatives rigorously. But the father

of research on groupthink, the psychologist Irving Janis, meant something narrower and more precise. Groupthink is pathology in decision-making that stems from a desire to preserve harmony and conformity in a small group where bonds of collegiality and mutual loyalty have been forged. It is the negative flip side of whatever are the positive attributes of such bonds. LBJ's Tuesday lunch group was one of the original subjects of Janis's writing.

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negative flip side of whatever are the positive attributes of such bonds. LBJ's Tuesday lunch group was one of the original subjects of Janis's writing. With this in mind, the second term appointment that becomes even more interesting regarding Ignatius's thesis is that of John Brennan. Ignatius

has Brennan well-pegged, including a comment that he “made a reputation throughout his career as a loyal deputy.” One might expand on that by observing that among Brennan's talents—and they are considerable—is a knack for what is often called managing up. Earlier in his career he was a protégé of George Tenet, and during the past four years he appears to have forged a similar

relationship with Barack Obama. One ought to ask what all of this might mean for Brennan's ability and willingness to speak truth not only to power, but to his patron—and to do so especially at politically charged times when his patron may be under pressure or may have other reasons for wanting to move in a particular

direction in foreign policy. This is more of a question with Brennan than it would have been with David Petraeus if he were still the CIA director.

Petraeus was very conscious of the truth-to-power issue, and more generally of the importance of objectivity, when he was appointed. As he

himself observed, on matters relating to Afghanistan he might find himself "grading my own work." Because the issue was recognized and involved obvious matters such as the Afghanistan War, and because there was nothing even remotely resembling a patron-protégé relationship between Petraeus and Obama, the issue was not destined to be a significant problem. The intimate, cloistered nature of the patronage involved in the Obama-Brennan relationship is something quite different.

Empirics = FoPo Disaster

Despite American hegemony, U.S. foreign policy has been rife with terrible executive branch decisions regarding the use of force that have created more problems than they solved

Rockman, 12 – University Professor of Political Science and Research Professor in the University Center for International Studies at the University of Pittsburgh (Bert, Poor Leadership and Bad Governance ed: Helms, p. 18-19)

Being a global power, the United States has more opportunity to fail with greater consequence than virtually all other countries despite the teetering status of Italy's fate for Eurozone stability. Much of the US power base lies in the size of its economy, even diminished as it has been since the great recession of 2007-09. The American power base, even more however, resides in its military establishment. The United States spends more on its military than all other countries combined and it tends to be more inclined to intervene on behalf of what its leaders define as national interests than are other countries. Many examples of problematic leadership originate in the Cold War era when the United States was the chief Western protagonist. Certainly, the American engagement in the war in Vietnam reflected the domino mentality of the political leadership as a class. Similarly, the military proxy engagement in Afghanistan following the Soviet incursion into that country mirrored a tit for tat response to Soviet behavior characteristic of Cold War behavior. It does not appear that there was anything beyond a superficial understanding of why the Soviets invaded Afghanistan in the first place. And after the Soviet forces left, the US went from being actively, though indirectly engaged to total disengagement. The disengagement meant that the importance of Afghanistan to the United States was mostly a function of its importance to the Soviet Union. The US disengagement resulted from changed priorities illustrating the difficulty that competitive political systems have in sustaining activity abroad once the reasons for it have fallen out of the headlines. Yet another case occurred during the first months of the Kennedy administration when it continued a plan, devised by the Central Intelligence Agency (CIA) and originated by the Eisenhower administration, to overthrow the Fidel Castro regime in Cuba. That regime, seeking a big brother patron in the Western hemisphere, had begun to ally itself with the Soviet Union in the face of US hostility. The episode was known as the Bay of Pigs for the area where the anti-Castro Cuban exiles trained by the CIA were to land. As we examine these cases, two things stand out. One of these was a mindset across political leaders molded by the Cold War. Wherever the Soviets acted - or in some cases the Chinese - the United States reacted, and often in ways that either directly or indirectly became costly. The other characteristic that stands out is that despite the high costs of intervention, especially direct military intervention, leaders typically began to look for exit strategies out of the particular morass they helped to create or they simply walked away, meaning that a big investment of resources and blood had been committed to no clear purpose. In the post-Cold War era, the al Qaeda attacks on the United States in September 2001 provided a rationale for the American invasion of Iraq in 2003. Whatever its purposes - and these remain in doubt - the invasion and occupation were hastily and inadequately planned. The result was serious backlash against the US forces and the unleashing of costly sectarian strife in Iraq, a country about which America's leaders knew too little. Another consequence of the invasion and occupation is that it also created an alliance between a new Shiite governed Iraq and the Shiite regime of America's antagonist in the Persian Gulf, Iran. There also were a number of covert operations against various regimes - Castro in Cuba (beyond the Bay of Pigs), Arbenz in Guatemala in 1954, the overthrow of the Mossadeqh regime in Iran and the restoration of the Shah in 1953, the effort to overthrow the Sandinista regime in Nicaragua later leading to scandal (known as the Iran-Contra episode) during the Reagan presidency. At least one of these events was tinged with comic opera characteristics such as the CIA-Mafia collaboration to assassinate Fidel Castro by planting explosive devices inside his cigars. Other episodes were short term successes but longer term failures as they left a heavy imprint of American imperialism and resentment. The removal of President Arbenz in Guatemala led to periods of military repression there, especially toward indigenous populations. The coup that restored the Shah's rule in Iran ultimately led a quarter of a century later to the reactionary anti-American dictatorship of the mullahs. The effort to eliminate the Ortega-Sandinista rule in Nicaragua settled with Ortega back in power. The leadership in these situations suffered from myopia and, too often, from the conditioning of the Cold War. The short run successes often proved to be more problematic than not in the longer run.

Groupthink = Secrecy

Secrecy in planning and how it prevents organizational learning in a crisis that shreds effective decision-making

Pearlstein 9

(Deborah, Visiting Scholar and Lecturer in Public and International Affairs, Woodrow Wilson School of Public & International Affairs, Princeton University "Form and Function in the National Security Constitution" 41 Conn. L. Rev. 1549, lexis)

2. Unity and Insularity As the new functionalists correctly anticipate, organization theorists have also recognized that strict bureaucratic control, intense socialization, and a highly developed sense of organizational culture can not only make rapid action possible, but also ensure adherence to an identified, overarching priority. n211 Indeed, it follows from the prior section that if formal rules and training are important, some significant level of control is absolutely necessary lest one risk effective top-down compliance. At the same time, however, institutions such as the military (and arguably aspects of the intelligence community) that are defined by such insular organizational cultures have some important disadvantages. n212 The exceptional degree of control such organizations exercise over their members has been used both to advance an organization's official goals, and to pursue the more self-serving or alternative goals of its leaders.

Members' intense organizational loyalty can foster excessive secrecy and disdain for outside expertise, inhibiting the flow of information both within and from outside the institution, and skewing attention to organizational priorities. n213 Especially when coupled with political incentives that impact governmental organizations, such features can limit the institution's ability to take corrective action or learn from past organizational mistakes. n214 The post-9/11 context is rife with examples of such pathologies in organizations responsible for counterterrorism operations. Consider the U.S. response to the anthrax mailings of late 2001, which came at a time of already heightened vigilance against terrorist attack. After federal [*1609] investigators concluded that the anthrax attacks were most likely launched by "U.S. nationals, almost certainly ones with experience in and access to the U.S. biodefense program and its facilities," and after they discovered that major U.S. biodefense facilities had been working with anthrax (including weapons-grade powder) for decades, military and intelligence agencies continued to withhold critical information from other federal agencies about the facilities and employees involved in such programs. This hamstrung post-attack efforts to identify the likely source of the attack, and therefore the likelihood of subsequent additional attacks from the same source. n215 Such behavior echoes that described by the 9/11 Commission investigators studying the September 11th attacks themselves. n216 Among other things, investigators concluded that one of the key problems leading to the failure to avert the attacks (despite increasingly alarming warnings) was the dearth of information sharing inside the intelligence and security communities. n217 Information was overly compartmentalized, "stove-piped" to too few decisionmakers, hidden by one executive agency from another and by one branch of government from another, and limited in its relevance and accuracy from an absence of oversight and competing analysis. n218 Such findings also emerge from studies of the generally effective Japanese response to the sarin gas attacks on the Tokyo subway system. Essential to the Japanese government's response was "a willingness to prioritize cooperation over interagency or intergovernment competition." n219 In all of these cases, it may well be that such behavior could be addressed by different incentive structures. But in the absence of such guidance, it was the organizations instinctive (and structural) insularity that prevailed. The counterproductive effect of such pathologies can infect more than just real-time responsiveness; it inhibits error correction over time-a [*1610] feature that theorists identify as central in explaining the success of those organizations that have operated effectively in chronically unpredictable environments.

n220 In the nuclear safety context, for example, Scott Sagan showed that Americans had been at greater risk than once thought from accidents involving the U.S. nuclear weapons arsenal—threats ranging from pilot error, malfunctioning computer warnings, the miscalculation of an individual officer, and a host of other seemingly inconceivable mistakes n221—in part because actors at every organizational level had incentives to cover up safety problems, "in order to protect the reputation of the institution." n222 While it was perhaps "not surprising that the military commands that are responsible for controlling nuclear forces would create a veil of safety to manage their image in front of the [P]resident, the Congress, and the public," Sagan found that concern for the effect of revealing mistakes skewed assessments at all levels, "influenc[ing] the reporting of near-accidents by operators, the beliefs of organizational historians about what is acceptable to record, and the public interpretation of events by senior authorities." n223 Particularly in operations where failure, when it does occur, can come at an

extraordinarily high price, there is a premium on gaining (and implementing) as much insight as possible from those failures that do occur. n224

Legal restrictions solve

Legal restrictions solve group-think and boost overall decision-making

Holmes 9

(Stephen, Walter E. Meyer Professor of Law, New York University School of Law, 97 Calif. L. Rev. 301, "In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror", lexis)

[*325] False certainties may be more common and more damaging during emergencies than during periods of relative normality. Generally valid decision-making rules have proved feasible and advisable because human decision making displays regularities across individuals and situations. One of the most important of these regularities is the common tendency of political decision makers to interpret ambivalent evidence in a way that makes new information seem to confirm previously held beliefs. Another near-constant in human behavior is a deep-seated aversion to self-critical thinking. In a crisis as in normal times, policymakers do not enjoy listening to people who strongly disagree with them or consulting experts who think that they, the policymakers, are on the wrong track. Although subjectively annoying to the wielders of power, obligatory consultations with independent officials can nevertheless benefit the community for whom the executive is ostensibly working. Shielding government incompetence from public view may damage national security by delaying the correction of potentially lethal mistakes. As mentioned, the enemy may benefit much more from false certainty and the misallocation of scarce resources than from the extraterritorial extension of some watered-down version of due process to foreign detainees. The point, after all, is to expand the executive's capacity for effective action. Whether the executive's capacity for effective action is increased by oversight and legal rules, or by unfettered and unmonitored discretion, is exactly what needs to be established. That the correct answer to this question can be dictated by executive fiat defies belief. Rules that provide incentives for decision makers to consider counter-evidence and counterarguments are liberating rather than constricting. Promoters of extralegal executive discretion, in other words, have made things easy for themselves by associating rules with rigidity and discretion with flexibility, ignoring the equal plausibility of the opposite alignment. Adversarial process can increase the flexibility of collective decision making, compensating for the psychological and ideological rigidity that individuals regularly display when making decisions behind closed doors and with the blinds drawn, that is to say, in the kind of unnatural isolation fostered by a near-hysterical fear of spies and leaks. Contrariwise, assigning all power to an unchecked executive risks exposing the collectivity to one man's, or one clique's, peculiar cognitive rigidities, emotional hang-ups, and behavioral obstinacies. Second-order rules, governing the way first-order rules as well as policies and ad hoc decisions are made, can facilitate self-correction. To return briefly to our medical example above, the second-order rule, "always get a second opinion," suggests that pragmatically designed decision-making procedures can be just as compulsory as first-order rules like "always wash your hands." Given observable regularities in human decision making, adversarial process can compel policymakers to focus on pitfalls and opportunities of which they had [*326] been only vaguely aware. This is why choices governed by relatively-unchanging second-order rules can sometimes be more adaptive and sensitive to context than purely unregulated discretion. Hostile to checks and balances and devoted to unmonitored executive discretion, the Bush administration came to be known less for its flexibility than for its intransigence and extreme reluctance to shift gears. Its abhorrence of legislative and judicial oversight seems to have produced not pragmatism but dogmatism. In retrospect, this is not surprising. By stonewalling external critics and stifling internal dissenters, the Bush administration was able to prolong the natural life span of false certainties that are now widely believed, with the benefit of hindsight, to have seriously damaged national security. ⁿ⁵²

Legal restrictions are vital to improving overall decision-making, decreasing panic-based responses to a crisis and forcing executive accountability

Holmes 9

(Stephen, Walter E. Meyer Professor of Law, New York University School of Law, 97 Calif. L. Rev. 301, "In Case of Emergency: Misunderstanding Tradeoffs in the War on Terror", lexis)

Conclusion Far from being a carefully calibrated response to the terrorist threat, the executive-discretion agenda exaggerates the upsides and discounts the downsides of unregulated executive discretion. The "game" of counterterrorism cannot be successfully conducted by ad hoc decisions made in defiance of all rules and outside of all institutionalized decision-making procedures, practices, and institutions. Rule-governed counterterrorism is both feasible and desirable for several reasons. First, public officials perform best, even during emergencies, when forced to give reasons for their actions. Second, the temptation to react viscerally and mimetically rather than strategically to the mass murder of innocent civilians is almost impossible to resist without strong guidelines laid down in advance. Third, like-minded individuals, if allowed to make vital national-security decisions in virtual isolation, tend to fixate on one salient feature of a complex threat environment, neglecting equally lethal dangers and failing to consider the unintended consequences of their own remedial actions. And fourth, it is essential in a democracy to minimize, if not altogether eliminate, incentives for public officials to feign urgency and necessity in the face of a threat that cannot easily be observed by anyone outside the security apparatus of the state. Because the spectrum of threats which national-security agencies must monitor and manage remains extremely complex, and because national-security assets are invariably scarce, counterterrorism decisions can increase security in one dimension only by opening up security vulnerabilities along other dimensions. Risk-risk tradeoffs are often close calls and should therefore be undertaken with deliberate speed, not hastily after dissenters are intimidated with fictional accounts of the need to make consequential decisions instantaneously and without considering known facts, consulting knowledgeable experts, and hearing different points of view. The difficulty and gravity of security-security tradeoffs, obscured by the misleading focus on liberty-security tradeoffs, is perhaps the most important argument against [*355] leaving decision making in the area of counterterrorism to the unchecked discretion of a few individuals, operating inside a bunker insulated from outside criticism and dissent. For this and other reasons, the indispensability of rules and protocols in ordinary emergencies can provide an important clue and point of reference for counterterrorism theorists and strategists. Rules, such as the individualization of culpability and procedures such as obligatory reason-giving, far from "tying hands," can help liberate counterterrorism policy from the rigidities that inevitably plague partisan-political reactions to national-security emergencies. They do not guarantee success, of course. But adversarial procedures and the presumption of innocence are more likely than unfettered executive discretion to promote a pragmatic approach to the management of risk, including flexible and fact-minded adaptation to an obscure, amorphous, evolving, and still deadly serious threat

Impacts: GT Kills Heg

Groupthink kills hegemony

Leonard, 06

[Mark, director of foreign policy at the Centre for European Reform, "Drinking the Kool-Aid: an Anatomy of the Iraq Debacle", Chronicle of Higher Education, 1/13, ebsco]

This latest crop suggests that the quest to rebuild Iraq failed precisely because it remained in the realm of ideas, untarnished by messy reality. Inside Baghdad's Green Zone, where U.S. occupation authorities live and work, the phrase "drinking the Kool-Aid" is used to describe the collective process of self-delusion, internal spin, and groupthink that has led otherwise effective people to lurch from blunder to blunder in Iraq, bringing the country from liberation to the brink of civil war. You've probably heard the reference to the 1978 mass suicide at Jonestown, Guyana, where the psychotic cult figure Jim Jones and 913 of his People's Temple followers drank a Kool-Aid fruit punch laced with cyanide. These books show just how much ideological Kool-Aid has been consumed by those who have sought to bring democracy to Iraq. They present the reader with an anatomy of isolation, a forensic dissection of a decision-making process quadruply insulated from reality. George Packer portrays the dreamers who hoped to make Iraq a template for a future Middle East — but hadn't actually visited the country for years. David L. Phillips describes how the Pentagon and the vice president's office deliberately cut themselves off from the expertise of other U.S. agencies and the United Nations. Larry Diamond shows that life inside the Green Zone has been hermetically sealed off from the rest of Iraq. And William R. Polk suggests that it was the failure to understand Iraq's history that has driven today's nation builders to repeat the mistakes of the past. The most readable of the recent crop is George Packer's *The Assassin's Gate*. Packer covers the same ground as the other authors — the war dreamed up by fevered minds in Washington, the strange world of diaspora politics, the lack of planning in the Department of Defense, the occupation, and the insurgency — but he does it from the perspective of a journalist rather than of a participant. The result is a beautifully written, poignant, and fair-minded narrative of two dreams deferred. He juxtaposes the dream of foreign-policy hawks in Washington, who wanted to put behind them the caution of the George H.W. Bush era of foreign policy, with that of Iraqi intellectuals, who dreamed of a free and democratic Iraq. His book documents how those two dreams came together to make the war possible, then ultimately undermined each other on the ground in Iraq. Packer starts with a vision of the war's prophets: Paul D. Wolfowitz, then-deputy secretary of defense; Douglas J. Feith, who was undersecretary of defense for policy; and Richard Perle, onetime chairman of the Defense Policy Board, toiling away at a plan to use Iraq as a beachhead to remake the Middle East, free Israel from its need to negotiate with the Palestinians, and cement American primacy in the world. His second narrative centers on a lonely professor at Brandeis University, Kanan Makiya, whose electrifying *Republic of Fear* exposed Saddam Hussein's brutality to the world — and forced its author into temporary hiding. Packer describes how the neocons and Iraqis use the opportunity presented by September 11, 2001, to make their agenda the president's, assuring him that American troops would be greeted with sweets and flowers, finding evidence of Saddam's program to make and use weapons of mass destruction, and creating a framework for understanding the post-9/11 world. For a while, Secretary of Defense Donald H. Rumsfeld, Wolfowitz, and Vice President Richard B. Cheney are hailed as strategic geniuses, and Makiya flirts with a career in Iraqi politics alongside his old friend Ahmad Chalabi. But Packer's book ends with their defeat. While cynical Realpolitiker such as Cheney, Rumsfeld, and Secretary of State Condoleezza Rice hang on to power, Feith is sacked and Wolfowitz exiled to the World Bank. Meanwhile a bruised Makiya abandons his political ambitions and decides to devote the rest of his life to the Iraq Memory Foundation, an attempt to document the hundreds of thousands of crimes against humanity committed by Saddam Hussein. Speaking to Packer at the end of the book, he says: "People fall flat on their face and shine not because of their great ideas, but because of certain traits of character which suddenly acquire great importance in the actual practice of politics in these extremely tumultuous times." What is at stake is the future of Western foreign policy, and the role it plays in the Arab world and beyond. The shadow cast by George W. Bush's desert adventure may not be as long as those of Suez or Vietnam, but it will define the future of American foreign policy and intervention for many years to come. The question these books seek to answer is: What went wrong? Was it waging the right war on a false prospectus without international support? Was it thinking that occupation could be a tool for liberation? Was it failing to learn the lessons of past state-building exercises? All of the above — as the books illustrate. The biggest danger, however, is that the response to failure in Iraq will be a determination to avoid foreign entanglements for any reason at all. The tragedy, as Diamond explains with crystal clarity, is that Iraq is a terrible test case for the new world order. On every dimension the odds are stacked against democracy's taking root in Iraq. The country's level of economic development is much lower than those of the countries in Latin America, Central Europe, or East Asia that have embraced democracy. Its population was brutalized by 24 years of murder, plunder, and terror under Saddam — not to mention the bloody and needless wars with Iran and the United States. The middle class was destroyed by a decade of international sanctions. The population is young and uneducated (40 percent illiterate and 40 percent under the age of 15). The society is bitterly divided along ethnic and religious lines. The presence of oil will provide elites with sources of revenue that insulate them from popular pressure. The facts that Central Europe was embraced by the European Union and that East Asia could look to a democratic Japan helped political change to take root. But Iraq's neighborhood is explosive and autocratic. These books present the circumstantial evidence that explains why the coalition has failed to build democracy so far. Unfortunately history does not encumber itself with details when it ascribes success or failure. I fear that this generation of democracy builders will leave behind successors drunk on a different kind of Kool-Aid. Theirs will be laced not with hubris, but with the even deadlier poison of isolationism. These books present the reader with an anatomy of isolation, a forensic

dissection of a decision-making process quadruply insulated from reality. The shadow cast by George W. Bush's desert adventure will define the future of American foreign policy and intervention for many years to come.

Congress Solvency

Congressional oversight is a great tool to prevent group think

OT 03- visiting Professor, Johns Hopkins University, and Senior Scholar, Woodrow Wilson International Center for Scholars

(Marvin, Unclassified, <http://media.nara.gov/9-11/MFR/t-0148-911MFR-00917.pdf>) JB

Mr. Scheid inquired how to determine whether Congress is culpable if 911 was an intelligence failure. Prof. Ott said that we should show that Congress has some culpability for 911. Such culpability is hard to prove, but if the oversight of the 1980s had continued into the 1990s, then there would have been 2-3 staff assigned to counterterrorism as a full-time job. They would have gone to the field, talked to stations and liaison, and talked to the DCI's Counterterrorist Center. A good staffer would have detected the threat of aircraft as weapons. Indeed, good oversight prevents groupthink. It is painful, expensive, and difficult to change groupthink. Bureaucracies do not change and never question basic assumptions. However, Congressional staff can do it all the time and can force bureaucracies to address issues. Between 1993 and 2001, there would have been numerous - perhaps 10-12 - classified hearings on counterterrorism, and maybe 80-100 visits by staff to CIA headquarters, maybe 35-40 staff visits overseas. Some chief of station eventually would have spilled his/her guts about how CIA is unprepared to counter terrorism. Staffers would then have had ammunition, and a Member would take this issue on (for example, Sen. Glenn took on proliferation as his issue).

Policy Error

Policy Error Add-on

Restrictions on war powers are vital to prevent policy error – risks nuclear extinction

Adler, 11 – Director of the Andrus Center for Public Policy at Boise State University, where he holds an appointment as the Cecil Andrus Professor of Public Affairs – (David, “Presidential Ascendancy in Foreign Affairs and the Subversion of the Constitution”

<http://www.civiced.org/pdfs/GermanAmericanConf2011/Adler.pdf>)

A considerable literature urges executive supremacy, and extols the supposed virtues of presidential assertion, domination and control; yet this body of work often ignores the dimensions of executive flaws, foibles, and frailties. The electoral process is not

infallible; an elected president may lack the wisdom, temperament and judgment, not to mention

perception, expertise and emotional intelligence to produce success in matters of war and peace. Those

qualities which, to be sure, are attributes of the occupant and not of the office, cannot be conferred by election. 104 Champions of a unilateral executive war power have ignored and, perhaps, forgotten the institutional safeguards of separation of powers, checks and

balances and collective decision making urged by the Framers as protection from the flaws of unilateral judgment and the temptations of power. Among those

who have lost their memory of the virtues and values of those institutional safeguards, apparently, are those many members of Congress and dozens of judges over the years, who have acquiesced in the face of presidential usurpation in the realm of national security. Perhaps seduced by the allure of swift, bold military action under the banner of nationalism, patriotism and ideological and political certainty, these representatives, some elected and others appointed, have forgotten their institutional duties and responsibilities. It is not probable, but certain, that the Imperial Presidency would be brought to heel if the other branches duly exercised their powers and responsibilities, but they have lost their way. No less a personage than the late Senator Sam Ervin questioned, in the course of hearings in 1973 on the unchecked executive practice of impoundment, whether the Congress of the United States will remain a viable institution or whether the current trend toward the executive use of legislative power is to continue unabated until we have arrived at a presidential form of government.” Senator Ervin justly criticized executive aggrandizement of legislative authority, but he also found Congress culpable for the rise of presidential dominance: “The executive branch has been able to seize power so brazenly only because the Congress has lacked the courage and foresight to maintain its constitutional position.” 105 What was true of impoundment, is true of the war power. Only “Congressitself,” to

borrow from Justice Robert H. Jackson, “can prevent power from slipping through its fingers.”106 The siren song of unilateral presidential war

making ignores the tragedies of Korea, Vietnam and Iraq, and the cost to America of its precious blood and treasure as well as denied and stolen. The American constitutional system is grounded in the conviction, as James Iredell explained it, that there is “nothing more fallible than human judgment.” 107 It is sometimes observed that the intentions of the Framers are outdated and irrelevant. But before we too readily acquiesce in that verdict, we might do well to recall the policy considerations that underlay the decision to vest the war power in Congress and not the president. Painfully aware of the horror and destructive consequences of warfare, the Framers wisely determined that before the very fate of the nation were put to risk that there ought to be some discussion, some deliberation by Congress, the people’s representatives. The Founders did not, as James Wilson explained it,

want “one man to hurry us into war.”108 As things stand in the United States today, however, the president has been exercising that power. The “accretion of dangerous power,” Justice Frankfurter has reminded us, occurs when power is freed from institutional restraints, checks and safeguards. The eminently sound rationales that convinced the Framers to vest the war power exclusively in Congress, however, have been ignored and abandoned in recent decades. There is a cost in that, too. It was the artist, Goya, who in one of his etchings, graphically portrayed the consequences of ignoring reason with the inscription: “The sleep of reason brings forth monsters.”109 There is no comfort to be found in a practice which permits unilateral executive war making,

particularly in the age of nuclear weapons, when war might lead to the incineration of the planet. When it comes to the constitutional design for war making, it is clear that the Framers’ policy concerns are even more compelling today than they were two centuries ago.

Bad Exec = Policy Error

Unaccountable executive branch decision-making risks foreign policy disasters culminating in nuclear extinction

Adler, 96

(David, professor of political science at Idaho State "THE JUDICIARY AND PRESIDENTIAL POWER IN FOREIGN AFFAIRS: A Critique " 1 Persp. on L. & Pub. Int. 1 1996-1997, Hein Online)

Of course, this arrangement has come under fire in the postwar period on a number of policy grounds. Some have argued, for example, that fundamental political and technological changes in the character of international relations and the position of the United States in the world have rendered obsolete an eighteenth century document designed for a peripheral, small state in the European system of diplomatic relations. Moreover, it has been asserted that quick action and a single, authoritative voice are necessary to deal with an increasingly complex, interdependent, and technologically linked world capable of almost instantaneous massive destruction. Extollers of presidential dominance also have contended that only the President has the qualitative information, the expertise, and the capacity to act with the necessary dispatch to conduct U.S. foreign policy. 33 These policy arguments have been reviewed, and discredited, elsewhere; space limitations here permit only a brief commentary. 34 Above all else, the implications of U.S. power and action in the twentieth century have brought about an even greater need for institutional accountability and collective judgment than existed two hundred years ago. The devastating, incomprehensible destruction of nuclear war and the possible extermination of the human race demonstrate the need for joint participation in any decision to initiate war. Moreover, most of the disputes at stake between the executive and legislative branches in foreign affairs have virtually nothing to do with the need for rapid response to crisis. Rather, they are concerned only with routine policy formulation and execution, a classic example of the authority exercised under the separation of powers doctrine.³⁵ Nevertheless, these joint functions have been fused by the executive branch and have become increasingly unilateral, secretive, insulated from public debate, and hence unaccountable.³⁶ In the wake of Vietnam, Watergate, and the Iran-contra scandal, unilateral executive behavior has become ever more difficult to defend. Scholarly appraisals have destroyed arguments about intrinsic executive expertise and wisdom in foreign affairs and the alleged superiority of information available to the President.³⁷ Moreover, the inattentiveness of presidents to important details and the effects of "groupthink" that have dramatized and exacerbated the relative inexperience of various presidents in international relations have also devalued the extollers' arguments. Finally, foreign policies, like domestic policies, are reflections of values. Against the strength of democratic principles, recent occupants of the White House have failed to demonstrate the superiority of their values in comparison to those of the American people and their representatives in Congress.

GT kills dmaking

**Group think causes foreign policy disasters-- marginalizes dissenting opinions and polarizes options for action. **

Jervis 4

(Robert, political science and international politics professor at Columbia University and a consultant to the CIA, The Record, 7/14, lexis)

But was that indeed what happened? "**Groupthink**" - identified in the early 1970s by the late Yale psychologist Irving Janis - refers to a process by which conformity grows out of deliberations in small groups. It can indeed be quite powerful. The way Janis explained it, groupthink operates when individuals work closely together over a sustained period. It isn't merely that members of the group come to think alike but that they come to overvalue the harmonious functioning of the group. In their eagerness to reach consensus, they become inhibited from questioning established assumptions or from raising questions that might disturb their colleagues and friends. A vicious circle begins as the group feels good about itself because it has discovered the truth, and this truth is accepted by each person because it is believed by the others. In this way, a group of intelligent individuals can confidently arrive at conclusions that are wildly removed from reality. Most social scientists agree that groupthink has contributed to many disastrous decisions in business, families, and foreign policy. President Kennedy and his top advisers, for instance, fell into a groupthink trap, believing that the landings of the Cuban exiles at the Bay of Pigs in April 1961 might overthrow Fidel Castro. Intense face-to-face meetings among the president's top foreign policy planners formed strong bonds that no one wanted to loosen. In hindsight, their plans were so badly flawed that it is hard to understand how such world-wise leaders could have endorsed them. But apparently each individual grew confident because the others were - each was reassured because the group was functioning so well and without discord; no one felt the need, or had the nerve, to insist they consider the possibility that the group was on the totally wrong track. Richard Nixon's Watergate cover-up was in part maintained by the same dynamic. To many outsiders even at the time, it was obvious that the only way for Nixon to survive was to air the full truth early on. But the Nixon White House was a small group, closed-mouthed and predisposed to keeping everything secret.

Abuses War Powers

Obama's presidential war power is bad – is abused

Findley 11

(Paul; [former United States Representative from Illinois, who represented its 20th District]; "Obama's Abuse of War Powers"; May/June 2011 report; <http://www.wrmea.org/2011-may-june/obama-s-abuse-of-war-powers.html> pgs. 13, 47) JKS

The acts of war ordered by President Barack Obama against the government of Libya violated provisions of the U.S. Constitution and the War Powers Resolution of 1973. He also exceeded his authority by pledging U.S. combat support to the United Nations Security Council and to NATO for military measures against Libya. The United States may soon find itself entrapped in a costly civil war in that North African nation. Congress is complicit in these violations, because it failed to demand presidential compliance with the Constitution and public law and neglected its own explicit constitutional duty in the exercise of war powers. The War Powers Resolution was enacted in the wake of the Vietnam ordeal by members of Congress, myself included, who considered that war unauthorized by Congress and a gross abuse of constitutional war powers. Our goal was to prevent future unauthorized presidential wars. I joined other members of Congress in overriding President Richard Nixon's veto, and during my remaining years on Capitol Hill maintained close vigilance on presidential compliance. Compliance was satisfactory by Presidents Gerald Ford and Jimmy Carter, as well as by both Presidents Bush. In recent years I find no sign of vigilance or compliance. It is a sad, dangerous state of affairs. Mandated presidential reports are a major feature of the resolution. In the absence of a war declaration, a written presidential report must be delivered to the speaker of the House of Representatives and the president pro tempore of the Senate within 24 hours of each order that moves substantial U.S. military forces into hostile areas. It must list reasons for the decision, military forces to be committed, and the expected duration of war measures. It cites a constitutional way for Congress to overturn any such presidential decision. Any member of Congress can challenge the president's decision by introducing a bill called a concurrent resolution of disapproval. If approved by both House and Senate, this legislation requires the president to rescind his war decision. The War Powers Resolution even authorizes expedited parliamentary procedures when a disapproval resolution is introduced in either chamber of Congress. These provisions were intended to bring Congress close to the president as he ponders war-making decisions, a role clearly intended by the authors of the U.S. Constitution. The resolution limits the time for delivery of presidential reports to 24 hours in the hope that the quick deadline will cause the president to give close attention to the likely reaction of Congress. We believed it could be an important, timely restraint on a president whose decision at the moment must be reflective and wise. It would also be a strong reminder that Congress has the power to overturn the president's decision quickly by enacting a concurrent resolution of disapproval. In assaulting Libya, President Obama acted as if the War Powers Resolution did not exist. Instead of sending a written report to congressional leaders within 24 hours, as required by law, he did not write until five days after the assault began. The five-day lapse was a violation of law, but in a sense it was delivered in blinding speed. In recent years, reports mandated by the War Powers Resolution for delivery within 24 hours of presidential decisions usually are bundled and delivered semi-annually. Yes, semi-annually. Obama had ample time to consult with congressional leaders during the weeks preceding the assault on Libya, which meant consultations were legally mandated by the War Powers Resolution. None occurred. From the start, Obama proceeded in a cavalier, almost casual manner. In announcing war measures in Libya, he mentioned neither Congress nor the U.S. Constitution. He did not even return to Washington from a visit in South America to make the announcement. He acted as if war-making is a routine privilege a president may undertake entirely at his option, like shaving or adjusting his necktie, without even a wink or nod toward the people's branch of government. Obama violated important requirements set forth in the War Powers Resolution, but Congress did nothing to prompt presidential compliance or protest his violations. To this day Congress has not authorized acts of war in Libya. We must face reality: the War Powers Resolution will work only if Congress is vigilant and demands full compliance by the president. With few exceptions, today's members of Congress, like those in the recent past, unwisely see decisions on war as a prickly nettle they are content to leave to the president. They need to be reminded that war is the worst burden government can place on citizens. It becomes heavier with the emergence of massive new high-tech war instruments, each of which magnifies, rather than reduces, the necessity of congressional restraint on presidential war-making. No citizen, not even the president, should have the authority to initiate war measures. Obama's abuse of war powers stands the Constitution on its head. He should be ashamed, and so should our complacent Congress for letting it happen.

Groupthink = Abuse of Pres Power

Groupthink creates abuse of presidential war powers

Kennedy 12

(Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 “ The Hijacking Of Foreign Policy Decision Making: Groupthink And Presidential Power In The Post-9/11 World Name: Brandon Kennedy, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University, pgs. 634-635) JKS

Many critics have accused the Bush Administration of having made foreign policy decisions that breached both international and domestic laws.⁵ Additionally, many have attacked the Administration for having relied on seriously faulty intelligence assessments in decision-making processes, as well as for the failures of the nation's intelligence agencies to intercept the 9/11 hijackers.⁶ As a result of a string of foreign policy decisions, which many have considered mediocre at best and extremely deficient at worst, a number of bewildered academics, politicians, and members of the general public have wondered profoundly how such terrible decision making could have possibly taken place at the top levels of government in a superpower with such vast resources and human capital as the United States.⁷ In the search for answers to the questions that arose following some of the Bush Administration's controversial policies, a few scholars have suspected that the Administration may have been prone to a **decisionmaking phenomenon known as “groupthink.”**⁸ The term groupthink, as used in this Note and in academic and policy circles, refers to “a mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members' strivings for unanimity override their motivation to realistically appraise alternative courses of action,” and the in-group pressures result in “a deterioration of mental efficiency, reality testing, and moral judgment.”⁹ As might be expected, this failure to critically test, analyze, and evaluate ideas tends to result in poor decision making.¹⁰

Bad Exec = FoPo Collapse

Abuse of war powers leads to impacts of foreign policy collapse – Obama will try to stop ISIS and fail

Lowry 14 (Rich; [the editor of National Review]; “The Collapse of Obama’s Foreign Policy”; 9/3/2014; <http://www.politico.com/magazine/story/2014/09/the-collapse-of-obamas-foreign-policy-110575.html#.VaxQNvIViko>) JKS

President Barack Obama’s stated goal in the fight against the Islamic State, aka ISIL, is to reduce it to a “manageable problem.” What this means, he hasn’t spelled out in great specificity. Presumably fewer beheadings. A slower pace of Western recruiting. Fewer genocidal threats against embattled minorities. A downgrading of the caliphate to a mini-state, or merely a large swath of territory in Syria and Iraq. The evil of ISIL has stirred nearly everyone around President Obama to ringing statements of resolve. Vice President Joe Biden says, “We will follow them to the gates of hell.” Secretary of State John Kerry tweets, “ISIL must be destroyed/will be crushed.” The president himself? He says it will be “degraded to the point where it is no longer the kind of factor that we’ve seen it being over the last several months.” Put to the rhythms of Winston Churchill’s famous call to arms in Parliament in June 1940, the Obama posture is, “We shall degrade you, we shall lessen you as a factor, we shall make you manageable, we shall hope that the attention of this great continental nation ... turns to something else soon.” What we have been witnessing the past few weeks, in real time, is **the intellectual collapse of Obama’s foreign policy**, accompanied by its rapid political unraveling. When Al Franken is ripping you for lacking a strategy against ISIL in Syria, you have a problem. Obama’s view was that Al Qaeda was holed up in the badlands of Pakistan and you could drone it into submission. Then, if you stopped stirring up hornets’ nests in the Middle East, and demonstrated your good intentions, and pulled entirely out of Iraq and stayed out of Syria, you could focus on “nation building at home” and not worry about places like Mosul and Aleppo. This, in a nutshell, was the theory of the “don’t do stupid stuff” doctrine. Every particular was wrong. Al Qaeda is part of a worldwide ideological movement. You could decimate its “core” in Pakistan, but it would roll on elsewhere. Whatever we do, the hornets in the Middle East are plentiful and nasty, and hate us just as much. Our good intentions, as Obama defines them, got us nothing. We elected a president with the middle name of Hussein who did all he could to liquidate George W. Bush’s foreign policy and made outreach to the Muslim world one of his top priorities — yet the terror threat has grown. We pulled out of Iraq and assiduously stayed out of Syria, and now there is a caliphate stretching across the border that, in the words of Secretary of Defense Chuck Hagel, represents “an imminent threat to every interest we have.” The hoary hawkish clichés about the stakes in Iraq — repeated over and over again by Sens. John McCain and Lindsey Graham over the years — proved correct. In a 2007 interview on “Meet the Press,” McCain argued that “the consequences of failure, in my view, are unlike the Vietnam War where we could leave and come home and it was over.”

Groupthink = War

Groupthink leads to war- empirics like the Iraq War prove

Alter 02- Professor of Political Science and Law

(Karen, Is 'groupthink' driving us to war?, Boston Globe, <http://www.grailwerk.com/docs/bostonglobe8.htm>) JB

TEN YEARS from now, will we be looking back asking how the United States could have thought that an unprovoked, preventive war on Iraq could succeed when the signs of danger were so clear and ominous? How the impossibility of accomplishing the mission through air power would lead levels of American casualties not seen since the Vietnam War? How an oil shock and deficit spending for war would plunge the United States and world economies into a major recession? How an administration so focused on getting rid of Saddam failed to create a workable policy to shape a post-Saddam Iraq? It may be that the most compelling way to answer these questions will be to apply the insights of the psychologist Irving Janis on what he called "groupthink."

Looking back on the disastrous Bay of Pigs invasion in his 1972 book "Victims of Groupthink: A psychological study of foreign-policy decisions and fiascos," Janis asked: "How could bright, shrewd men like John F. Kennedy and his advisers be taken by the CIA's stupid, patchwork plan" to invade Cuba? Drawing on studies of group decision-making, Janis argued that the pressures of like-minded people deciding as a group lead to a deterioration of mental reasoning, reality testing, and moral judgment. In short, groupthink leads to a breakdown of critical thinking. In his 1972 book Janis also examined the flawed decision making that went into the Korean War, Pearl Harbor, and Vietnam and presented in contrast the decision making process that occurred during the Cuban Missile Crisis and the post-World War II Marshall Plan. So far the Bush administration's foreign policy team has manifested all the symptoms of groupthink that Janis identified:

Illusions of invulnerability leading to excessive optimism and the taking of extreme risks. Collective efforts to rationalize leading decision makers to discount warnings that might otherwise force them to reconsider. Stereotyped views of enemy leaders as too evil to warrant genuine attempts to negotiate and too weak or stupid to counter an attack against them, leading to miscalculations. An unquestioned belief in the group's inherent morality, inclining group members to ignore the ethical or moral consequences of their decisions. Advocates of the consensus view putting direct pressure on those who express strong arguments against any of the group's stereotypes, illusions, or commitments, making clear that dissent is contrary to what is expected of all loyal members. Self-appointed mind guards emerging to protect the group from advice, information, and views that might shatter the shared complacency about the effectiveness or morality of their decisions. Self-censorship by people with views deviating from the apparent group consensus, creating an illusion of unanimity within the group.

Empirics prove that groupthink leads to war

Jacquet 12- writer

(Jean-Baptiste, 'Groupthink' and US Foreign Policy, E-International Relations, <http://www.e-ir.info/2012/07/17/groupthink-and-us-foreign-policy/>) JB

The decision for both US military deployments in the Gulf region helps to prove that groupthink is not confined to a presidential era and can very well transcend the boundaries of time so long the needed antecedents exist. Steve Yetiv attempts to explain this in an analysis of the 1990 decision to deploy troops to the Gulf region to oust Iraqi forces from Kuwait. He argues that the

antecedents of groupthink present in George H. W. Bush's administration heavily influenced this path to war. To begin with, Yetiv identifies four structural antecedents to groupthink, the first one being strong group cohesiveness: "the whole inner circle was composed of old friends [...] some meetings seemed like a convivial card game, with feet kicked up." [16] Alongside of this he also highlights group insulation: "The group of eight was [...] insulated from outside sources [...] because it was structurally exclusive." [17] He continues by identifying a lack of a tradition of impartial leadership: "[Bush's] approach did not place a high priority on each member airing doubts and raising objections." [18] And a lack of norms for methodical procedures: "the group [...] lacked procedures for evaluating alternatives." [19] All of these elements accompanied with high levels of stress

resulted in Bush's administration to "advance the war option in a setting where key military officials, core members of congress, foreign leaders [...] and members of Bush's inner circle believed that other alternatives should be given greater consideration."^[20] While groupthink may not have been the only influence behind Bush's actions, it must be acknowledged that it stands as one of the major decisional driving forces and is an indispensable point of analysis to factor in. Ironically, George W. Bush's 2003 decision to invade Iraq was also greatly corrupted by elements of groupthink. Dina Badie argues "the decision to incorporate Iraq into the War on Terror was pathologically driven by groupthink in the post-9/11 environment."^[21] In her scrutiny of the Bush administration Badie identifies two groups: the 'hawks' and the 'sceptics' and whilst using Janis's concept of groupthink she also uses 'T Hart's concept of internal stress to complement her work. "Consistent with 'T Hart's analysis, the post-9/11 stress resulted in a search for leadership and resulted in tensions [...]. The core group recognized the CIA's failure to 'connect the dots' [...] Thus, intergroup conflict [...] combined with promotional leadership and the stress of 9/11 led to groupthink."^[22]

Russia Updates

Internals: Groupthink = Disaster

Groupthink and US propaganda has manifested into a false narrative of Ukraine and Russia

Parry 14 (Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995; "The Powerful 'GroupThink' on Ukraine"; August 23, 2014; [//HB](http://www.truth-out.org/news/item/25760-the-powerful-%E2%80%99group-think%E2%80%99-on-ukraine)

When even smart people like economist Paul Krugman buy into the false narrative about the Ukraine crisis, it's hard to decide whether to despair over the impossibility of America ever understanding the world's problems or to marvel at the power of the U.S. political/media propaganda machine to manufacture its own reality. On Monday, Krugman's New York Times column accepts the storyline that Russia's President Vladimir Putin instigated the Ukraine crisis and extrapolates from that "fact" the conclusion that perhaps the nefarious Putin did so to engineer a cheap land grab or to distract Russians from their economic problems. "Delusions of easy winnings still happen," Krugman wrote. "It's only a guess, but it seems likely that Vladimir Putin thought that he could overthrow Ukraine's government, or at least seize a large chunk of its territory, on the cheap — a bit of deniable aid to the rebels, and it would fall into his lap. ... "Recently Justin Fox of the Harvard Business Review suggested that the roots of the Ukraine crisis may lie in the faltering performance of the Russian economy. As he noted, Mr. Putin's hold on power partly reflects a long run of rapid economic growth. But Russian growth has been sputtering — and you could argue that the Putin regime needed a distraction." Or you could look at the actual facts of how the Ukraine crisis began and realize that it was the West, not Russia, that instigated this crisis. Putin's response has been reactive to what he perceives as threats posed by the violent overthrow of elected President Viktor Yanukovich and the imposition of a new Western-oriented regime hostile to Moscow and Ukraine's ethnic Russians. Last year, it was the European Union that was pushing an economic association agreement with Ukraine, which included the International Monetary Fund's demands for imposing harsh austerity on Ukraine's already suffering population. Political and propaganda support for the EU plan was financed, in part, by the U.S. government through such agencies as the National Endowment for Democracy. When Yanukovich recoiled at the IMF's terms and opted for a more generous \$15 billion aid package from Putin, the U.S. government ratcheted up its support for mass demonstrations aimed at overthrowing Yanukovich and replacing him with a new regime that would sign the EU agreement and accept the IMF's demands. As the crisis deepened early this year, Putin was focused on the Sochi Winter Olympics, particularly the threat of terrorist attacks on the games. No evidence has been presented that Putin was secretly trying to foment the Ukraine crisis. Indeed, all the evidence is that Putin was trying to protect the status quo, support the elected president and avert a worse crisis. Moscow supported Yanukovich's efforts to reach a political compromise, including a European-brokered agreement for early elections and reduced presidential powers. Yet, despite those concessions, neo-Nazi militias surged to the front of the protests on Feb. 22, forcing Yanukovich and many of his officials to flee for their lives. The U.S. State Department quickly recognized the coup regime as "legitimate." Since the new regime also took provocative steps against the ethnic Russians (such as the parliament voting to ban Russian as an official language), resistance arose to the coup regime in the east and south. In Crimea, voters opted overwhelmingly to secede from Ukraine and rejoin Russia, a process supported by Russian troops stationed in Crimea under a prior agreement with Ukraine's government. There was no Russian "invasion," as the New York Times and other mainstream U.S. news outlets claimed. The Russian troops were already in Crimea assigned to Russia's historic naval base at Sebastopol. Putin agreed to Crimea's annexation partly out of fear that the naval base would otherwise fall into NATO's hands and pose a strategic threat to Russia. But the key point regarding Krugman's speculation about Putin provoking the crisis so he could seize territory or distract Russians from economic troubles is that Putin only annexed Crimea because of the ouster of Yanukovich. If Yanukovich had not been overthrown, there is no reason to think that Putin would have done anything regarding Crimea or Ukraine. It's also true that the Feb. 22 coup was partly engineered by the U.S. government led by Assistant Secretary of State for European Affairs Victoria Nuland, who had been an adviser to Vice President Dick Cheney and who is married to arch-neocon Robert Kagan, one of the intellectual authors of the U.S. invasion and occupation of Iraq. Before the Ukraine coup, Nuland, was caught in a phone conversation plotting with the U.S. ambassador to Ukraine about who should replace Yanukovich. After the coup, her choice "Yats" — or Arseniy Yatsenyuk — emerged as the new prime minister and then shepherded through the IMF austerity plan. But resistance

to Kiev's new rulers soon emerged in eastern Ukraine, which had been Yanukovich's political base and stood to lose the most from Ukraine's economic orientation toward Europe and reduced economic ties to Russia. Yet, instead of recognizing these understandable concerns of the eastern Ukrainians, the Western media portrayed the ethnic Russians as simply Putin's pawns with no minds of their own. I'm told that Moscow has provided some covert support for the eastern Ukrainian rebels (mostly light weapons), but that Putin has favored a political settlement (similar to what has been proposed by German Chancellor Angela Merkel). The deal would grant eastern Ukraine more autonomy and accept Russia's annexation of Crimea in exchange for peace in the

east and some financial support from Russia for the Kiev government. Yet, whatever anyone thinks of Putin or the proposed peace deal, it is simply inaccurate to assert a narrative claiming that Putin provoked the current crisis in Ukraine. The opposite is much closer to the truth. It is thus misguided for Krugman or anyone else to extrapolate from this false premise to deduce Putin's "motives." Krugman, who has been one of the few rational voices on issues of global economics in recent years, should know better than anyone how a mistaken "group think" can create assumptions that will lead inevitably to wrongheaded conclusions.

AT: Russia = Threat

Your evidence is all propaganda – cant trust your sources

Dubin 15 (Eric Dubin is a contributor to many new outlets including TND and Before it's News; Before it's News; "Advancing a Constructive Agenda for US-Russia Relations---Washington, D.C. Event"; March 25, 2015; <http://beforeitsnews.com/alternative/2015/03/advancing-a-constructive-agenda-for-us-russia-relations-washington-d-c-event-3128088.html>)//HB

Precious few Americans are aware that Western media is lying up a propaganda storm about Russia and Putin on par with some of the greatest and most pervasive propaganda efforts in history. But if you think the media is bad, accademia is worse. Self-censorship and not wishing to challenge group think runs rampant, to the point where it really isn't all that surprising that America's foreign policy establishment remains largely clueless about the conflict in the Ukraine.

Today and tomorrow, an important US-Russia forum will be held in Washington, D.C. Events like this help break some of the ice in the academic community, and will hopefully move the insular, ignorant American establishment in the direction of a fact-based, reasoned assessment of genuine Russia security interests and the reality of American and NATO aggression towards Russia.

Impacts: Groupthink = Russia Disaster

Groupthink could usher in serious threats to national security as scholars are afraid to speak out

Parry 15 (Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995; “ ‘Group Thinking’ The World into a New War”; January 30, 2015; Consortium News; <https://consortiumnews.com/2015/01/30/group-thinking-the-world-into-a-new-war/>)/HB

From the start of the Ukraine crisis in fall 2013, the New York Times, the Washington Post and virtually every mainstream U.S. news outlet have behaved as dishonestly as they did during the run-up to war with Iraq. Objectivity and other principles of journalism have been thrown out the window. The larger context of both Ukrainian politics and Russia’s role has been ignored. Again, it’s all been about demonized “bad guys” – in this case, Ukraine’s elected President Viktor Yanukovich and Russia’s elected President Vladimir Putin – versus the “pro-Western good guys” who are deemed model democrats even as they collaborated with neo-Nazis to overthrow a constitutional order. Again, the political is made personal: Yanukovich had a pricy sauna in his mansion; Putin rides a horse shirtless and doesn’t favor gay rights. So, if you raise questions about U.S. support for last year’s coup in Ukraine, you somehow must favor pricy saunas, riding shirtless and holding bigoted opinions about gays. Anyone who dares protest the unrelentingly one-sided coverage is deemed a “Putin apologist” or a “stooge of Moscow.” So, most Americans – in a position to influence public knowledge but who want to stay employable – stay silent, just as they did during the Iraq War stampede. One of the ugly but sadly typical cases relates to Russia scholar Stephen F. Cohen, who has been denounced by some of the usual neocon suspects for deviating from the “group think” that blames the entire Ukraine crisis on Putin. The New Republic, which has gotten pretty much every major issue wrong during my 37 years in Washington, smeared Cohen as “Putin’s American toady.” And, if you think that Cohen’s fellow scholars are more tolerant of a well-argued dissent, the Association for Slavic, East European and Eurasian Studies further proved that deviation from the “group think” on Ukraine is not to be tolerated. The academic group spurned a fellowship program, which it had solicited from Cohen’s wife, Katrina vanden Heuvel, because the program’s title included Cohen’s name. “It’s no secret that there were swirling controversies surrounding Professor Cohen,” Stephen Hanson, the group’s president, told the New York Times. In a protest letter to the group, Cohen called this action “a political decision that creates serious doubts about the organization’s commitment to First Amendment rights and academic freedom.” He also noted that young scholars in the field have expressed fear for their professional futures if they break from the herd. He mentioned the story of one young woman scholar who dropped off a panel to avoid risking her career in case she said something that could be deemed sympathetic to Russia. Cohen noted, too, that even established foreign policy figures, ex-National Security Advisor Zbigniew Brzezinski and former Secretary of State Henry Kissinger, have been accused in the Washington Post of “advocating that the West appease Russia,” with the notion of “appeasement” meant “to be disqualifying, chilling, censorious.” (Kissinger had objected to the comparison of Putin to Hitler as unfounded.) In other words, as the United States rushes into a new Cold War with Russia, we are seeing the makings of a new McCarthyism, challenging the patriotism of anyone who doesn’t get into line. But this

conformity of thought presents a serious threat to U.S. national security and even the future of the planet.

Impacts: Groupthink kills solution Ukraine

Parry 15 (Robert, an American investigative journalist best known for his role in covering the Iran-Contra affair for the Associated Press (AP) and Newsweek, including breaking the Psychological Operations in Guerrilla Warfare (CIA manual provided to the Nicaraguan contras) and the CIA and Contras cocaine trafficking in the US scandal in 1985. He was awarded the George Polk Award for National Reporting in 1984. He has been the editor of Consortium News since 1995; "US Foreign Policy: Playing Chicken with Nuclear War"; Russia Insider; March 11, 2015; <http://russia-insider.com/en/2015/03/10/4302>)/HB

Yet, what I find truly remarkable about the Ukraine crisis is that it was always relatively simple to

resolve: Before the coup, Yanukovich agreed to reduced powers and early elections so he could be voted out of office. Then, either he or some new leadership could have crafted an economic arrangement that expanded ties to the EU while not severing them with Russia. Even after the coup, the new regime could have negotiated a federalized system that granted more independence to the disenfranchised ethnic Russians of eastern Ukraine, rather than launch a brutal "anti-terrorist operation" against those resisting the new authorities. But Official Washington's "group think" has been single-minded: only bellicose anti-Russian sentiments are permitted and no suggestions of accommodation are allowed. Still, spending time this weekend with people like Helen Caldicott, an Australian physician who has committed much of her life to campaigning against nuclear weapons, reminded me that this devil-may-care attitude toward a showdown with Russia, which has gripped the U.S. political/media establishment, is not universal. Not everyone agrees with Official Washington's nonchalance about playing a tough-guy game of nuclear chicken. As part of the conference, Caldicott asked attendees to stay around for a late-afternoon showing of the 1959 movie, "On the Beach," which tells the story of the last survivors from a nuclear war as they prepare to die when the radioactive cloud that has eliminated life everywhere else finally reaches Australia. A mystery in the movie is how the final war began, who started it and why – with the best guess being that some radar operator somewhere thought he saw something and someone reacted in haste. Watching the movie reminded me that there was a time when Americans were serious about the existential threat from U.S.-Russian nuclear weapons, when there were films like "Dr. Strangelove," "Fail Safe," and "On the Beach." Now, there's a cavalier disinterest in those risks, a self-confidence that one can put his or her political or journalistic career first and just assume that some adult will step in before the worst happens. Whether some adults show up to resolve the Ukraine crisis remains to be seen. It's also unclear if U.S. pundits and pols can restrain themselves from more rushes to judgment, as in the case of Boris Nemtsov. But a first step might be for the New York Times and other "serious" news organizations to return to traditional standards of journalism and check out the facts before jumping to a conclusion.

Freedom of Press

Uniq: Democ Dying in Egypt

And, lack of freedom of expression in Egypt now – new election is precursor to violence and repression – no democracy now

Beck 14 (John Beck is a freelance journalist primarily covering Syria, Iraq, Egypt and Turkey . His work has been published by Newsweek, Al Jazeera English, The Washington Post, The Guardian, The Daily Beast, The Atlantic, VICE News and others; “Sisi Won the Election, But Still Might Lose Egypt”; Vice News; May 29, 2014; [//HB](https://news.vice.com/article/sisi-won-the-election-but-still-might-lose-egypt)

The military backed government has used this as a pretext to crackdown on civil liberties. Sisi has maintained the same line, voicing support for a Draconian protest law and warning journalists not to expect, nor push for freedom of the press. Rather than a recipe for stability, Maha Azzam, an Associate Fellow with Chatham House’s Middle East and North Africa Program told VICE News that both this and the campaign to eradicate the Brotherhood are likely to stir up further opposition to Sisi’s rule. **“The more persecution and repression there is, the more resistance there will be to this regime. if you couple that with a failing economy and a security challenge that is persistent, then I don’t think either Sisi or any political regime in Egypt can survive.”** She adds that as free expression is blocked, more and more are likely to resort to violence to make their voices heard. Nevertheless, she expects human rights violations to escalate now that Sisi has been endorsed at the ballot box. These, she says, will likely be sold as the product of a need for stability, a war on terror, or an effort to boost the economy. **“The election will be seen by him as carte blanche to pursue whatever draconian or repressive measures are seen as necessary in order to sustain himself at the helm of the Egyptian political system or to sustain the system itself,”** she said. “It bodes very badly for any kind of democratic opening-up or easing of the repressive nature of the Egyptian state.”

Freedom of press and speech are undermined in Egypt---signal end of Egyptian democracy

Paciello 11 (Maria Cristina Paciello, has a PhD from University of Florence, Italy, Adjunct faculty of the International Relations and Global Politics Program; has a MSc from University of London in School of Oriental and African Studies, has a BA and MA in Oriental Languages and Literature from La Sapienza University of Rome, a senior fellow professor at the Mediterranean and Middle East Programme of the Istituto Affari Internazionali, is an adjunct professor at the University Ca’Foscari of Venice (Political Economy of Islamic Countries and Economic Policies of Arab countries), is in thematic expertise; “Egypt: Changes and Challenges of Political Transition”; MEDPRO Technical Report No. 4/May 2011; WP2 – Geopolitics and Government; Mediterranean Prospects; [//HB](http://www.iai.it/sites/default/files/medpro-technical-paper_04.pdf)

As street protests continue at the time of writing in mid-April 2011, the military’s response to demonstrations has become more and more intransigent through a greater use of force, arrests and human rights violations.⁶⁰ The most violent episodes occurred on 9 March in Tahrir Square, when protesters were arrested, tortured and prosecuted in military courts,⁶¹ and, on 9 April, when a large protest in Tahrir Square was dispersed through force, causing the death of one person. Moreover, on 24 March, in response to growing labour unrest, the interim government approved a draft law that

punishes anyone organising, inciting or participating in protests that damage the economy by imprisonment for at least one year or/and paying fine.⁶² A few weeks later, in spite of strong criticism, the draft law was ratified by the Military Council. Also the recent arrest of a blogger,⁶³ who criticised the military of continuing the repressive methods of the previous regime, as well as the Military Council's demand that local editors do not publish any information regarding the Armed Forces without first consulting with them, point to worrying impediments to press freedom in Egypt.⁶⁴ These facts signal the risk of a return to the repressive methods used during Mubarak's era.

Internals: FOP Good – Democracy

Press freedoms uncover the truth for the citizens “right to know”

Gunaratne 2k2 (Shelton A Gunaratne is a professor of mass communications emeritus affiliated with Minnesota State University Moorhead; “Freedom of Press: A World System Perspective”, GAZETTE: THE INTERNATIONAL JOURNAL FOR COMMUNICATION STUDIES; COPYRIGHT © 2002 SAGE PUBLICATIONS; LONDON, THOUSAND OAKS & NEW DELHI, VOL 64(4): 343–369; [0016-5492(200208)64:4;343–369;025948]; <http://gaz.sagepub.com/content/64/4/343.full.pdf+html>)/HB

The West has generally associated press freedom with the characteristics of Siebert’s so-called libertarian theory of the press (1956) or the CHAOS – competition, heterogeneity, autonomy, openness and selfishness – paradigm (Merrill, 2000a). Stein (1966: 11) does exactly that when he describes a free press as one that ‘acts as a market place where ideas, opinions and theories are served up to citizens for their acceptance or rejection’ without a government censor hanging ‘over the shoulder of the editorial writer’. Powe (1991: 285) says that ‘editorial autonomy from government’ and ‘inability of government to dictate coverage’ enable the press to perform its Fourth Estate role – ‘a role more secure than the nebulous and inconsistent possibilities in the public’s right to know’. Asante (1997) points out the following definitions of press freedom in the academic literature: relative absence of government restraints; prevalence of autonomy; and ability to serve as the Fourth Estate that checks the three official branches of the government.

The purpose of a libertarian press is ‘to inform, entertain, [and] sell – but chiefly to help discover truth, and to check on government’ (Siebert et al., 1956: 7). Within this context, the press enjoys negative rights to publish as it pleases with no concomitant responsibilities. Peterson’s formulation of the social responsibility theory of the press, following the Hutchins Commission report,2 retains the first three tasks of a libertarian press but contends that the chief purpose of the press is ‘to raise conflict to the plane of discussion’ (Siebert et al., 1956: 7). This approach, therefore, looks at press freedom as a positive right that entails concomitant responsibilities.

Press Freedoms are key to democracy

Neuer 11 (Hillel C. Neuer is executive director of UN Watch, a human rights NGO in Geneva, Switzerland; UN SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, 56th SESSION; ITEM 3: ADMINISTRATION OF JUSTICE, DEMOCRACY AND THE RULE OF LAW; Statement Delivered by Hillel C. Neuer; Geneva, 11 August 2004; <http://www.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1313923&ct=1748035>)/HB

The lifeblood of democracy is the free flow of information. That means freedom of the press.

The good news is that numerous emerging democracies have seen an explosion of media freedom in recent years.

But in too many other parts of the world, the news continues to be bad: journalists are censored, threatened, even attacked. This constitutes a fundamental assault on the underlying norms of democracy and the rule of law.

Some violations are well known. We know of Jean Helene, correspondent of Radio France Internationale in Cote d'Ivoire, who, on October 21, 2003, went to interview government opponents, and was then shot dead by a policeman. The killing followed a campaign of state-sponsored incitement targeting journalists, and Helene in particular.

We know of Zimbabwe's new draconian laws that severely restrict press freedom; of the regimes mistreatment, threats and harassment against journalists; of the bombing of The Daily News printing press in January 2001.

We know of the continuing intimidation in Cuba, where, in 2003 alone, 30 journalists were imprisoned, 5 arrested and 5 physically attacked.

We know, too, of the torture of journalists by the security forces of Nepal, Myanmar, and Pakistan.

What may be even more dangerous, however, are the threats to press freedom that we do *not* know about. Here the guilty parties are not only menacing regimes, but, ironically, journalists themselves. It is shocking but true that some of the world's major media organizations have been complicit in censorship by broadcasting stories they knew to be misleading, misrepresentative or outright false.

Impacts: FOP k Effective FoPo

Freedom of press directly effects domestic and international policy

Van Belle 2k

(Douglas A. Van Belle is currently examining the role of press freedom in democratic politics and studying how variations in the content of news media coverage of disaster might be used to address question of race, image, and governmental practices, in area of media politics and international political communication, has BA, MA, and PhD from Arizona State, was Chair of International Communications Section of the International Studies Association, is Editor-in-Chief of Foreign Policy Analysis journal of International Studies, was president of Foreign Policy Analysis Section of the International Studies Association; "Press Freedom and Global Politics"; ISBN 0-275-96790-5 (alk. paper); First published in 2000; Praeger Publishers; Library of Congress catalog Card Number 99-043102; [//HB](https://books.google.com/books?hl=en&lr=&id=ftSNriNThFYC&oi=fnd&pg=PR7&dq=US+freedom+of+press+modeled+globally&ots=Np9GtCkBg&sig=sy1D1tb9cwHjrMJgVV22YVNLip4#v=onepage&q=US%20freedom%20of%20press%20modeled%20globally&f=false)

It is safe to say that some of the empirical results reported here are striking. They repeatedly show that press freedom has significant and substantive effects that reduce the propensity of nations toward international violence. By no means does this study claim to completely address the entire scope of the global political issues related to press freedom, but to a limited degree, it does manage to provide theoretical and empirical contributions. Hopefully, this study, along with the data that were generated for the empirical analyses, can serve as an initial foray, a catalyst, or perhaps even a foundation for the numerous studies that will be needed to thoroughly address this gap in our understanding of global politics. PRESS FREEDOM AND FOREIGN POLICY In almost every evening new broadcast and on just about every front page of every major newspaper that operates independently of government control, we see the effect that press freedom has on domestic politics. Leaders debate policy options and make their policy choices in the harsh glare of public scrutiny, posturing for the camera and quoting for the headlines. Whenever a free press exists in a country, leaders turn to it as a means of communicating with the public and with other power bases critical to domestic politics. Consequently, the news media becomes the primary arena for domestic political competition in countries with a free press. Elections are won and lost in the news media. Further, the daily struggle for political support, the political battle in the trenches, is conducted there. Some have even argued that the ability to criticize and the ability to safely voice demands upon government, which are also the basics of press freedom, are sufficient conditions to create a responsive government, with or without democratic institutions (Mueller, 1992). Basically, the effect of press freedom on domestic politics is obvious, exposing the entire process and those that act in it to the scrutiny of all. In some ways, press freedom has the same effect on foreign policies although the entire process is skewed toward and focused on the leaders responsible for making foreign policy decisions. These decision makers control vital information resources and have distinct advantages in influencing the coverage of foreign policy events and actions. They are also a focus for the activities related to foreign policy, and this combination sometimes gives them tremendous opportunities to tuse foreign policy actions, especially international conflicts, to influence domestic politics through the news media. Scholars and pundits often talk about rally events (see Brody 1991) and diversionary wars (see Richards et al., 1993) where the leader uses a dramatic international conflict to gain domestic political support or distract from domestic difficulties. The influence of this leadership focus of the news media also works in the other direction as well—with the CNN effect,4 where the choices of decision makers seem to be driven by news media coverage. The impact of press freedom is not limited to domestic political responses to foreign policy decision. The way information flows between the news media of different countries plays an important role in defining the leader's domestic political costs and benefits from foreign policies. This is particularly true in the more dramatic foreign policies related to international conflict. Specifically, when a country with a free press confronts a country that restricts its media, the leader

of the free press country can expect to be the dominant source of "legitimate" information for his or her domestic new media. Consequently, the leader can use the resources of his or her office to influence the salience and the news content to his or her domestic political benefit. Information reported from the government-controlled media of regimes that place significant restriction on the press is reported as propaganda by the news media of a free press country and dismissed by the public and political changers. In contrast, when two free press countries come into conflict, the media on both sides share common norms of responsibility, accuracy, and accountability in reporting ongoing events. Sharing these norms, they accept each other as legitimate sources of information and reports travel freely between the news-gathering institutions in the two countries. Consequently, neither leader can expect to dominate his or her nation's media as he or she would in a conflict against a country with a controlled or restricted media. Domestic critics of the leader, too, are more likely to believe that information reported from another country's free press is legitimate, reliable, and accurate.

Whistleblower CP Answers

Incentives Fail

The SEC incentive program fails

Feldman and Lobel 10- Senior Lecturer and associate professor

(Yuval, Orly, The Incentives Matrix: The Comparative Effectiveness of Rewards, Liabilities, Duties, and Protections for Reporting Illegality, Texas Law review, 88 Tex. L. Rev. 115188 Tex. L. Rev. 1151) JB

Another such system is the SEC's bounty program,ⁿ¹²⁷ though the primary utility of this program has come from its ability to reveal the unsuccessful and unappealing features of would-be reward systems. Enacted under the Insider Trading and Securities Fraud Act of 1988,ⁿ¹²⁸ this program was designed to draw upon the IRS model to increase successful prosecutions against inside traders.ⁿ¹²⁹ **However, by all measures, the program has failed to make any significant contribution toward this end.** In fact, in the decade following its enactment, it is estimated that only a single bounty was paid out to an informant.ⁿ¹³⁰ Considering the relative success of its FCA and IRS counterparts, there appear to be several explanations for the complete failure of the SEC program. With regard to the total bounty compensation, the SEC's 10% cap falls considerably behind the 15-30% available under the FCA and the updated IRS plan, thereby eliminating a large class of externally [*1171] motivated informants.ⁿ¹³¹ This reward gap is further underscored by the fact that the SEC limits its rewards to the penalties imposed under the Act, whereas the FCA also permits its qui tam litigants to recover their shares of any settlements.ⁿ¹³² Furthermore, the SEC rewards are entirely discretionary and not subject to judicial review.ⁿ¹³³ In other words, even in the event of a successful prosecution, SEC informants are not guaranteed any proportion of the recovery.

Financial incentives for whistle blowers are counter-productive

Feldman and Lobel 10- Senior Lecturer and associate professor

(Yuval, Orly, The Incentives Matrix: The Comparative Effectiveness of Rewards, Liabilities, Duties, and Protections for Reporting Illegality, Texas Law review, 88 Tex. L. Rev. 115188 Tex. L. Rev. 1151) JB

Social enforcement has become a central feature in the design of effective regulatory systems. In many areas of law, government relies on private individuals to trigger detection of misconduct through reporting. This study demonstrates that empirical research, comparing the behavioral and social ramifications of the regulatory mechanisms used to incentivize social enforcement, carries important practical insights for policy. By exploring the interplay between internal and external enforcement motivation, these experiments provide novel understandings about the comparative strengths and [*1207] advantages of different legal mechanisms. An important implication of the study is that no one-size-fits-all policy design exists, but rather, policy makers must evaluate the full scope of psychological and situational factors in order to design the most efficient incentive structures. In doing so, policy makers must consider several factors. First, policy makers must assess the nature and severity of the anticipated conduct. Where levels of moral outrage are expected to be low, financial rewards will likely be a decisive factor, and the inquiry may shift to discovering the true price tag of the reporting behavior. For inherently offensive misconduct, policy design must take a more nuanced approach that integrates the moral dimension of the situation. In such cases, where the informant is expected to have a greater ethical stake in the outcome, regulation must fully appeal to the informant's sense of duty. This may mean that financial incentives are not only unnecessary but are counterproductive and offset internal motivations to report. Identifying

such crowding-out effects in regulatory design is particularly beneficial, as it can save public dollars while simultaneously pointing to better mechanisms to induce reporting.

Incentives Not Enough

Gotta solve retaliation – incentives are not enough

Becker 14

(Emily, J.D. cum laude, Harvard Law School, “Calling Foul: Deficiencies in Approaches to Environmental Whistleblowers and Suggested Reforms,” 6 Wash. & Lee J. Energy, Climate & Env’t. 65pg online @ [//um-ef](http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1085&context=jecce))

Critics of the incentives-based model point out that financial incentives are not always possible in circumstances where the employer is small or the type of infraction committed does not net a substantial fine or civil penalty.¹⁶⁷ Moreover, financial awards are not always appropriate or feasible in circumstances where whistleblowers identify violations of scientific integrity like the suppression of research or the use of inferior data.¹⁶⁸ Thus, the incentives-based model would provide a supplement to but not a replacement for the anti-retaliatory model.¹⁶⁹ A two-pronged approach would ensure that whistleblowers in all circumstances are protected by the antiretaliatory model, but would provide incentives that would likely increase the number of whistleblowers who report on a certain class of infractions.

SEC Model Bad

The SEC program is a failure- their staffers botch tips and they still haven't gotten any big cases

West 13- partner at Latham & Watkins and was an Associate Director of the Division of Enforcement at the SEC

(Lawrence, Dealing with the SEC's Focus on Protecting Whistleblowers, Harvard Law School Forum on Corporate Governance and Financial Regulation, <http://corpgov.law.harvard.edu/2013/03/11/dealing-with-the-secs-focus-on-protecting-whistleblowers/>) JB

Another reason that promising whistleblower tips are now taken ultra-seriously by the Commission is that the SEC is still rebounding from the damage done to it by a few staffers who botched tips about Bernie Madoff and Allen Stanford. As a result, the staff is searching for opportunities to shower money in large quantities on individuals who bring in particularly productive evidence. This has been the case since 2010, when the SEC's whistleblower award program went into effect with the passage of Dodd-Frank. Thus far, however, only one tipper has received a whistleblower award from the SEC, and the amount of the award was very small — just \$50,000. But it often takes the SEC several years to bring a big case, so we expect the award tally to change in 2013.

The SEC incentive program is terrible

Hyatt 11- writer

(James, Companies Seek to Challenge SEC Bounties for Whistleblowers, Business-Ethics, <http://business-ethics.com/2011/01/05/5997-companies-seek-to-challenge-sec-bounties-for-whistleblowers/>) JB

A particularly divisive issue: the proposed rules don't require a whistleblower to first use internal compliance procedures. "What's at stake?" asks Susan Hackett, senior vice president and general counsel of the Association of Corporate Counsel. "If you're a company that relies on your employees to assure that work is done legally and responsibly, the answer is pretty much everything," she writes at the group's website. The SEC proposals, she says, "essentially kick the legs out from under the carefully constructed compliance and reporting systems emanating from federal and state mandates, the U.S. Sentencing Guidelines, and growing public expectations of corporate self-policing." She adds: "Basically, regulators have moved from an interest in protecting whistleblowers and facilitating their reports toward a system that establishes huge potential rewards for bounty hunters who don't have interest or investment in making sure their company is doing the right thing, but rather are rewarded only when the company can be shown to do the wrong thing." The ACC on Dec. 15 spelled out those concerns in a comment letter signed by more than 260 in-house legal executives. The group argued that the SEC proposal encourages employees "to find way to profit from corporate wrongdoing," invites employees "to focus on timing their report so as to maximize the bounty they'll receive, potentially allowing misconduct to fester..." and promotes "less effective responses to serious problems" by inviting an "end-run" to internal investigations. (A footnote observes: "From our perspective and based on the traditional understanding of the term, an individual who merely learns of a problem and heads for Door Number 1 to recover a large award is not a whistleblower.") There is, of course, another point of view. Critics

assert the SEC has failed to follow-up on tips about corporate financial scandals – see Bernard Madoff – and hope the new whistleblower law will provide better procedures and more incentives to trigger investigations. The SEC has estimated that it may get as many as 30,000 tips a year under the new regulations, although budget and staffing restrictions raise questions about whether the agency will be able to handle the deluge.

Incentives can't solve- stopping whistleblower retaliation must come first

Labaton Sucharow 14

(Labaton Sucharow, Achievements, Challenges and Change: The SEC Whistleblower Program Year in Review, <http://www.labaton.com/en/about/press/upload/Achievements-Challenges-and-Change-SEC-Whistleblower-Program-YIR.pdf>) JB

Take concrete steps to avoid even the perception of retaliation: Responsible organizations must treat employees who report misconduct— whether internally or externally—with fairness and respect. This is important for workplace culture and will also help to avoid or defend retribution claims by the employee or the SEC. It also strengthens attitudes about, and usage of, internal compliance mechanisms. The fact is, most employees first report concerns about misconduct internally. Unfortunately, and as the ERC reported in its preeminent workplace survey in 2013, 40% of workers who reported externally said that they did so because they were retaliated against after making an initial report inside their company. More than a third of external whistleblowers said that their company acted on their internal report, but that they were dissatisfied with the company's response. An alarming 29% reported that the company did not act on their initial internal reports at all. Bottom line: Employers must respond to internal complaints in an open, serious and sensitive manner.

Current Whistleblower incentive programs as major failures with no money being paid out

Eaglesham and Ensign 5/25- write

(Jean, Rachel, Whistleblowers Find SEC Rewards Slow and Scarce, WSJ, <http://www.wsj.com/articles/whistleblowers-find-sec-rewards-slow-and-scarce-1432594234>) JB

One Sunday afternoon last spring, a Securities and Exchange Commission investigator called Yolanda Holtzee at her Seattle home, asking for her help in catching an alleged con man the press dubbed “the Wolf of Montreal.” Ms. Holtzee had been tracking John Babikian, a Bugatti-driving Canadian accused of multimillion-dollar investment scams, and had tipped the agency about him as part of her longtime interest in fraud in the penny-stock markets. The SEC investigator asked Ms. Holtzee, a 59-year-old former money manager and serial whistleblower, for a copy of a 2012 blast email she had received promoting a stock linked to Mr. Babikian. “I dug out the spam and sent it to him within an hour,” Ms. Holtzee recalled. “I thought it’s got to be important—this is Sunday.” Four days later, the SEC filed a civil case alleging fraud by Mr. Babikian connected to the 2012 incident. Mr. Babikian in July 2014 agreed to pay \$3.73 million to settle the case without admitting or denying the allegations. Despite her help, Ms. Holtzee hasn’t been paid a penny—on the Babikian case or any of the other four SEC cases in which she has filed whistleblower claims. The SEC’s whistleblower program, set up under a 2010 law, uses the promise

of high bounties to encourage more people to report fraud. To date, its payments system, offering 10% to 30% of the penalties in big enforcement actions, has resulted in awards totaling more than \$50 million, the SEC says. Ms. Holtzee's experience isn't uncommon: Lawyers representing whistleblowers say it is hard to collect bounties in some of the most famously fraud-prone areas policed by the SEC, including penny stocks, pyramid schemes and U.S.-listed Chinese companies. The reason is simple: Those cases are notoriously hard for the SEC to recover sanctions. But whistleblower advocates complain that the agency is also tight-lipped about what money it collects, making it difficult for them to know what funds are available for tipsters. In Mr. Babikian's case, his lawyer said the money has been paid. However, the SEC won't say if it will pay any bounties. Ms. Holtzee said she is "optimistic" she will get an award eventually. Mr. Babikian couldn't be reached for comment. SEC enforcement chief Andrew Ceresney said the program is "an enormous success and has had a transformative impact on bringing wrongdoers to justice." The SEC program pays out based on sanctions that have been collected, rather than the amounts imposed by a judge that are up to the agency to recover. That can leave whistleblowers with nothing to show for their efforts if the money has vanished in the fraud or if the perpetrator has fled beyond U.S. jurisdiction.

SEC incentive program fails- too much secrecy and doesn't pay out

Eaglesham and Ensign 5/25- write

(Jean, Rachel, Whistleblowers Find SEC Rewards Slow and Scarce, WSJ, <http://www.wsj.com/articles/whistleblowers-find-sec-rewards-slow-and-scarce-1432594234>) JB

"It is frustrating that this program is shrouded in secrecy," said Chris Carey, editor of Sharesleuth, an investigative website. "The lack of transparency seems to run counter to accountability." Mr. Carey and Mark Cuban, the billionaire entrepreneur who owns Sharesleuth, last year claimed an award for blowing the whistle on an alleged scam involving the stocks of Chinese companies. Mr. Carey said he doesn't know how much, if any, of the more than \$9 million in sanctions ordered in the case so far have been collected. Mr. Cuban, one the SEC's most vocal critics since a federal jury in 2013 rejected SEC insider-trading charges against him, said in an interview "I've not been paid and I don't expect to be paid ... because of my relationship with the SEC." Sharesleuth has been criticized for the fact that Mr. Cuban "shorts," or bets against, the stocks of companies the site accuses of shady dealings. Mr. Cuban said all of Sharesleuth's research is based on public information. Dan David, co-founder of GeolInvesting LLC, a financial-research firm based in Skippack, Pa. said his company has made almost a dozen claims for whistleblower awards for alleged penny-stock frauds and those involving U.S.-listed Chinese stocks. To date, they have been paid "not one dime," he said. Mr. David said he would welcome funding his research through whistleblower payments, rather than short sales, but "the whistleblower program is not offering any incentive to exposing frauds in areas where the SEC finds it impossible to collect sanctions."

SEC model is terrible

Giulio NO DATE- associate

(James, THE DODD-FRANK WHISTLEBLOWER PROGRAM: A BLOWN OPPORTUNITY, <http://www.mdmclaw.com/tasks/sites/mdmc/assets/Image/Dodd%20Frank%20Whistleblower%20Program.pdf>) JB

The Final Rules adopted by the SEC simply provide too many carrots and not enough sticks to make the whistleblower program efficient and useful. The vast divergence in risk/reward for whistleblowers under Dodd-Frank is unprecedented. Even the embattled FCA, which many today 82 claim allows too many frivolous claims⁸⁷, provides whistleblowers with a fair balance of impediments that must be overcome before a

financial award can be obtained when compared to this new program. An FCA relator must first front the time and cost of initiating a lawsuit and gathering evidence, including attorney fees and costs. Also, a whistleblower risks being known publicly by their employer and co-workers if the qui tam complaint is unsealed.⁸⁸ Lastly, a whistleblower that does not prevail in a qui tam action could be liable for all of the defendant's costs and fees.⁸⁹ These disincentives were created (and enhanced in 1986) to ensure that only those whistleblowers that had a legitimate fraud claim filed qui tam actions.⁹⁰ In the end, the opportunities for life changing financial gains under the FCA are properly offset by potential risks. This balance is evidenced by the minimal shift from initial internal reporting to filing of qui tam actions after the 1986 amendments to the FCA.⁹¹

FDA Advantage

FDA Useless

FDA is useless- stifles the pharmaceutical industry and uses backwards trials to approve new drugs

The American Interest 13

(The American Interest, FDA Crushing Pharmaceutical Growth, <http://www.the-american-interest.com/2013/03/01/fda-crushing-pharmaceutical-growth/>) JB

Government regulation is stifling America's vibrant pharmaceutical industry. A recent report by the President's Council of Advisors on Science and Technology estimates that it costs an average of \$1.2 billion to win FDA approval and bring a new drug to market. Given that biopharmaceuticals account for roughly two percent of the economy, this is no small matter. The chief problem is the complex process of clinical trials, in particular "Phase 3," in which a drug is tested and retested to prove its effectiveness in treating conditions across a broad population. These trials have a strong track record, but they are poorly suited to new biopharmaceuticals, which are often very effective in smaller, targeted groups despite a lower success rate in the public at large. Under the current system, many of these drugs may fail their trials despite their effectiveness when prescribed correctly.

FDA is key- they are leader in drug regulation and modelled around the globe

PCAST 12

(PCAST, REPORT TO THE PRESIDENT ON PROPELLING INNOVATION IN DRUG DISCOVERY, DEVELOPMENT, AND EVALUATION, <https://www.whitehouse.gov/sites/default/files/microsites/ostp/pcast-fda-final.pdf>) JB

Accelerating innovation in the creation of safe and effective medicines will require improvements not only in drug discovery and development, but also in the Nation's regulatory processes for drug evaluation. In this section, we describe the inherent challenges in drug evaluation and the opportunities for improving the system. We first address a commonly made criticism about the FDA—namely, that the FDA itself constitutes the major barrier to increased innovation in drug discovery and development, because it is inefficient and stodgy compared to its European counterpart, the European Medicines Agency (EMA). In fact, we find that the data for drug approvals do not support this claim. Since the early 1990s, the FDA's review times for new drug applications have declined significantly with the full implementation of the PDUFA. The proportion of applications for new molecular entities that eventually receive FDA approval has remained fairly steady since the 1990s, at about 80 percent.⁸³ When a drug is clearly efficacious, the FDA typically approves it rapidly. The issues that typically attract attention concern cases where the favorability of the balance between benefit and risk is unclear (for example, moderate potential benefit to some patients and large potential risk to other patients). Importantly, recent studies have shown that the FDA approves drugs faster than the EMA. For 75 percent of new drugs approved by both the EMA and FDA between 2006 and 2010, the FDA was the first to grant approval.^{84, 85} Similarly, a recent study found that the FDA approved more new cancer drugs and approved them more quickly than the EMA (on average in 6 months) between 2003-2010, and that patients in the United States consistently had access to those cancer therapies before patients in Europe.⁸⁶ (Because this PCAST study focuses

on drugs, we have not evaluated the situation with respect to medical devices.87) **In short, the FDA remains a respected world leader in drug regulation, setting standards emulated around the globe.**

FDA is owned by the pharmaceutical industry- user fees prove

Novus NO DATE

(Novus, IS THE FDA PROTECTING US OR SERVING THE DRUG COMPANIES?,
http://novusdetox.com/newsletter_new/8-31-07.php) JB

While all of us are used to hearing that some Member of Congress has been indicted or that a local politician admitted to taking a bribe, most of us have felt that certain parts of our federal government are somehow above reproach. Particularly this has been the perception of the U. S. Food and Drug

Administration ("FDA"). The FDA is non-partisan and protects us from bad food and bad drugs. Officially created in 1906, the FDA's mission statement says that it is responsible for "protecting the public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and

products that emit radiation." The items regulated by the FDA account for 25 cents of every dollar spent by consumers. However, there is increasing evidence that this confidence is misplaced and that the FDA is really not representing us at

all. HOW A DRUG IS APPROVED The Center For Drug Evaluation and Research (CDER), a branch of the Food and Drug Administration (FDA), is responsible for approving new drugs. The CDER says it has the mission to assure that "safe and effective drugs are available to the American people." After extensive testing in the lab and in animals, some drugs are given approval for testing in humans. Because of a legitimate concern that these tests on humans be as safe as possible, the human test subjects are carefully selected and only include people who will have the least likelihood of having problems. A drug is tested on humans in Phase I, II and III clinical trials. Phase I clinical trials normally are done on approximately 100 healthy volunteers. If this trial produces acceptable results, the company goes on to Phase II. Phase II trials generally involve 100-300 volunteers who have the condition which the drug is intended to treat. If the results of this test are acceptable, then Phase III clinical trials are started. Phase III clinical trials generally involve approximately 1,000 subjects and generally last from four to eight weeks but sometimes involve more people and last longer. THE DEFINITION OF SAFE If the FDA reviews the results of the Phase III clinical trial and determines that the drug is "safe", then it is released to the public. When most of us hear the word safe, we think of "not dangerous" or "unlikely to cause or result in harm, injury, or damage." According to Janet Woodcock, M.D., director of the Food and Drug Administration's Center for Drug

Evaluation and Research (CDER), safe has a different meaning to the FDA. When it comes to any drug, "safe" means that the benefits of the drug outweigh the risks for the population the drug is intended to treat and for its intended use. "Safe does not mean harmless."

So safe does not mean harmless, but the CDER has determined that the benefits of the drug outweigh the risks and that is why there are paragraphs of risk factors associated with the use of the drug. This may not be so bad, but how can you know if the benefits outweigh the risks if the test is done on a tiny percentage of the population, less than .001% of the population? The CDER confirms this when it says, "So, the safety profile for new drugs that come on the market is never totally defined because new drugs are studied only in relatively small and homogeneous patient populations. The complete safety profile of a new drug will be defined only after it has been approved and is in use on the market." All of us realize that there are some illnesses, like cancer, which are often fatal, and we certainly know that a cancer drug that causes harm to some cancer patients but may help others is one, if the risk is known, that a cancer patient might choose to take. However, the key here is for someone to tell us that we are actually participating in an unofficial test of the safety of a new drug when it is prescribed by our doctor. OFF-LABEL USES To compound this further, many drugs are being prescribed to treat things for which they were not approved by the FDA. This is called "off-label" use. For example, many antidepressants are being prescribed for the treatment of pre-menstrual syndrome (PMS) or elbow pain or are being used to promote weight loss. While this is legal (a doctor can prescribe a drug for any use), it is dangerous. Dr. Randal Stafford co-wrote "Off-label Prescribing Among Office-Based Physicians". This article was published in the May 8, 2006 Archives of Internal Medicine. The article concluded, "Off-label medication use is common in outpatient care, and most occurs without scientific support. Efforts should be made to scrutinize underevaluated off-label prescribing that compromises patient safety or represents wasteful medication use." AFTER A DRUG IS

RELEASED TO THE PUBLIC However, since the FDA is charged with protecting our safety, a reasonable person would assume that the FDA is closely monitoring the effects of these drugs in their real tests on the American

public. Unfortunately, this is not the case. According to the 2003 report of the Office of Inspector General of the Department of Health and Human Services, a survey of CDER reviewers revealed that 66% lacked confidence in the FDA's safety monitoring of marketed prescription drugs, and 18% had felt pressure to approve a drug despite reservations about its quality, efficacy, or safety. Perhaps some of the reason for the reluctance of the FDA to make sure the American people understand the limited testing of new drugs is that the FDA does not think of the American public as its clients. David Graham, Associate Director of the FDA's Office of Drug Safety, in an interview that appeared in Fraud Magazine

(September/October 2005 issue) stated, "FDA is inherently biased in favor of the pharmaceutical industry. It views industry as its client, whose interests it must represent, it views its primary mission as approving as many drugs as it can regardless of whether the drugs are safe or needed." A reason for this attitude is

likely the fact that more and more of the FDA's budget is coming from "user fees." These are fees paid to the FDA by the companies who are seeking approval of their drugs. It is natural to want to please the people who are paying your salary. The FDA no longer has to go to Congress to get a significant amount of the funding for drug approval and oversight. In 2006, the Union of Concerned Scientists and Public Employees for Environmental Responsibility distributed a 38-question survey to 5,918 FDA scientists in order to examine the state of science at the FDA. The results are distressing. The scientists who responded pointed to significant interference with the FDA's scientific work which in turn led to problems with the FDA being able to fulfill its mission of protecting public health. Here are some of the results: Less than half (47 percent) think that the "FDA routinely provides complete and accurate information to the public." Less than half (49 percent) agree that "FDA leadership is as committed to product safety as it is to bringing products to the market." One-fifth (20 percent) say they "have been asked explicitly by FDA decision makers to provide incomplete, inaccurate or misleading information to the public, regulated industry, media, or elected/senior government officials." In addition, more than a quarter (26 percent) feel that FDA decision makers implicitly expect them to "provide incomplete, inaccurate, or misleading information." Two in five (40 percent) said they could not publicly express "concerns about public health without fear of retaliation." More than a third (36 percent) did not feel they could do so even inside the confines of the agency. Nearly 70 percent do not believe the FDA has sufficient resources to effectively perform its mission of "protecting public health, and helping the public get the accurate, science-based information they need to use medicines and foods to improve their health." Looking at the results of the Union of Concerned Scientist's study, one

recalls the words of Joseph Goebbels, Hitler's Minister of Propaganda: "If you tell a lie big enough and keep repeating it, people will eventually come to believe it. The lie can be maintained only for such time as the State can shield the people from the political, economic and/or military consequences of the lie. It thus becomes vitally important for the State to use all of its powers to repress dissent, for the truth is the mortal enemy of the lie, and thus by extension, the truth is the greatest enemy of the State." It is time for Congress to look at the FDA and shine the light of truth on it before it is too late. If the FDA is not looking out for us, then we need to understand this and know that it is up to us to protect ourselves by demanding full disclosure before taking any FDA-approved drug for any reason. Maybe that's not a bad idea anyway.

FDA is supported by the pharmaceutical industry- that causes the FDA to make bad decisions

Pagano 10- Assistant Professor

(Michael, Conflict of Interest, Bias, and Manipulation: Reassessing Prescriber Education and the Learned Intermediary Doctrine, Common Law Review, <http://commlawreview.org/Archives/CLRv10i2/Conflict%20of%20Interest,%20Bias,%20and%20Manipulation%20CLR%20v10i2.pdf>) JB

If treatment decisions, both by prescribers and patients, rely on complete, accurate, and unbiased information about products then the credibility of the information communicated to prescribers about their drugs needs to be carefully scrutinized. Healthcare providers generally have one or two semesters of pharmacology in their professional programs. Even with 28 weeks of course work there is not enough time to explore the details of every prescription medication. In addition, the FDA approves approximately 20 new prescription products per year and frequently changes a previously approved product's indications (Favole and Dooren, 2009). Therefore, a prescriber's postgraduate education about new and/or older medications and various pharmaceutical options is predominantly under the direct control of the pharmaceutical industry (Ziegler, Lew, and Singer, 1995; Moynihan, 2008). Pharmaceutical manufacturers, in part to fulfill their obligation to educate learned intermediaries and in part to market and promote their products, provide numerous forums, formats, and faculty for educating prescribers about their medications. However, before the drug maker can bring a product to market the manufacturer must gain FDA approval (Center for Drug Evaluation and Research, 2006). The FDA was founded in the early twentieth century and its website describes the agency's mission: The Food and Drug Administration is one of the nation's oldest and most respected consumer protection agencies. • FDA's mission is: - To promote and protect the public health by helping safe and effective products reach the market in a timely way - To monitor products for continued safety after they are in use - To help the public get the accurate, science-based information needed to improve health. (FDA, 2008, Overview, p. 1) While these are very important goals to the health and wellness of citizens, they are equally important to the financial success of pharmaceutical corporations. This relationship between manufacturers and the FDA has been discussed by Angell and Relman (2002) who point out that "oversight. . . falls, finally, to the FDA—an agency now partially supported by the industry it regulates. That support is precarious and almost certainly conditional on the agency's cooperation with industry" (p. 108). Numerous critics have called into question the credibility of the federal agency responsible for assuring that medical drugs and devices are safe and effective and the communication about them is accurate and unbiased. At issue is the reality that the FDA accepts millions of dollars from the industry it is charged with regulating to expedite the review of new prescription products.

FDA fails- are continuously given misinformation by drug companies allowing faulty drugs to be put on the market

Pagano 10- Assistant Professor

(Michael, Conflict of Interest, Bias, and Manipulation: Reassessing Prescriber Education and the Learned Intermediary Doctrine, Common Law Review,

<http://commlawreview.org/Archives/CLRv10i2/Conflict%20of%20Interest,%20Bias,%20and%20Manipulation%20CLR%20v10i2.pdf>) JB

Fears about the FDA's process and the agency's ability to accomplish its stated mission were discussed in an Amicus Brief (Wyeth v. Diana Levine, 2008) filed by 10 present and former editors and contributing authors of the New England Journal of Medicine. The editors and authors argued, "... **the FDA is in no position to ensure the safety of prescription drugs**" (p. 3). The editors felt that the FDA cannot effectively evaluate the preapproval or the post-approval assessment of a drug because of the manufacturer's role in the clinical trials, approval, and safety reporting processes. Much of this stems from the fact that the FDA is heavily dependent on the drug makers themselves for the information on which the agency bases its decisions. . . . Thus as exemplified in the cases of Pondimin/Redux, Vioxx, and Trasyolol, the drug companies have withheld key information from the FDA and ardently negotiated against stricter label warnings—all the while continuing to market their unsafe drugs to an unsuspecting public. (p. 4) Redux, Vioxx, and Trasyolol are all products that were approved by the FDA and later found to be unsafe and eventually withdrawn from the market. These credibility concerns about the FDA contribute to the dilemma for prescribers about the veracity and science underlying the information provided to them about the safety, efficacy, and distinctions between prescription drugs. The incomplete or misinformation provided by some drug manufacturers further complicates the FDA's ability to effectively assess a drug's efficacy and safety prior to and after approval and obfuscates and/or taints the information provided to prescribers about the product. However, the FDA does not just have a problem with manufacturers' data and their consultants, FDA employees have also created credibility issues for the agency.

Health Care Scenario

Conflicts of interest kill the credibility of the FDA

Pagano 10- Assistant Professor

(Michael, Conflict of Interest, Bias, and Manipulation: Reassessing Prescriber Education and the Learned Intermediary Doctrine, Common Law Review,

<http://commlawreview.org/Archives/CLRV10i2/Conflict%20of%20Interest,%20Bias,%20and%20Manipulation%20CLR%20v10i2.pdf>) JB

The FDA has been shown to have difficulty regulating itself when it comes to conflicts of interest. Cohen (2006) reports, “through an apparent loophole in agency rules, the Food and Drug Administration has allowed its employees to receive more than \$1.3 million in sponsored travel since 1999 from groups closely tied to pharmaceutical and medical device companies” (para. 1). Having staff accept money from the very industry they are regulating creates perceptions of collusion and bias for the agency. But the FDA is not the only organization that collaborates with the pharmaceutical industry and creates confusion and perpetuates deceptions. In fact, medical schools accept money for clinical trials, provide researchers, and cooperate with pharmaceutical manufacturers much to the concern of numerous critics.

FDA has an ineffective approach when it comes to food safety

IOM 10

(Institute of Medicine, Enhancing Food Safety ,

<http://iom.nationalacademies.org/~media/Files/Report%20Files/2010/Enhancing-Food-Safety-The-Role-of-the-Food-and-Drug-Administration/Enhancing%20Food%20Safety%202010%20Report%20Brief.pdf>) JB

In an increasingly complex world, there is a higher risk of foodborne disease. Approximately 76 million foodborne illnesses occur each year in the United States, causing more than 300,000 hospitalizations and 5,000 deaths. Foodborne diseases are caused by a variety of bacteria—such as Escherichia coli or Salmonella—viruses, parasites, or chemical residues. The severity of these diseases and the high rate of occurrence highlight the need to evaluate the current food safety system for its effectiveness at protecting the public’s health. Providing safe food requires the effort of many partners. While food safety is regulated by several agencies, the U.S. Food and Drug Administration (FDA) oversees approximately 80 percent of the U.S. food supply, including all produce, seafood, and cheeses. Food safety experts and the public have criticized the FDA’s food safety system and questioned whether it properly safeguards Americans from foodborne diseases. Thus, Congress asked the Institute of Medicine (IOM) to examine the gaps in the current food safety system under the purview of the FDA and to identify the tools needed to improve food safety. Although the FDA recently created the Office of Foods to oversee and coordinate all food policy efforts within the agency, the FDA’s approach to food safety continues to be reactive, lacking a systematic focus on prevention. The IOM committee’s report, Enhancing Food Safety: The Role of the Food and Drug Administration, suggests that the FDA lacks a comprehensive vision for food safety and says it should change its approach in order to properly protect the nation’s food.

FDA doesn't have the process, capability, or structure needed for food safety

IOM 10

(Institute of Medicine, Enhancing Food Safety ,
<http://iom.nationalacademies.org/~media/Files/Report%20Files/2010/Enhancing-Food-Safety-The-Role-of-the-Food-and-Drug-Administration/Enhancing%20Food%20Safety%202010%20Report%20Brief.pdf>) JB

Americans will continue to suffer from food illness, unless the FDA reevaluates their approach to food safety management. Shifting from a reactive approach to a risk-based approach allows the FDA to make decisions based on risk and prevent future foodborne disease, in turn protecting the public's health. Until the recommended changes are implemented, the FDA and the federal government will lack the process, capabilities, and structure needed to properly evaluate decisions that will ultimately ensure the safety of the nation's food. The recommendations in this report should provide a roadmap for the FDA to become more efficient and effective in carrying out its food safety mission in a rapidly changing world.

The FDA is a large part of the healthcare community- assures safety of medicine and medical devices

Douthitt 15- B.S. in Healthcare Administration

(Toni, FDA and Healthcare, LinkedIn, <https://www.linkedin.com/pulse/fda-healthcare-toni-douthitt>) JB

The United States has many governmental agencies that have an impact on the health care community. The U.S. Department of Health and Human Services encompasses many of these agencies such as the Food and Drug Administration, Centers for Disease Control, Centers for Medicare and Medicaid Services, and more. The focus of this paper will be on the Food and Drug Administration, and the responsibilities of this agency within the health care field. Many may think of the Food and Drug Administration (FDA) as the agency that gives us our nutritional information on what we should eat, and a list of drugs that are approved for use within the medical field (United States Food and Drug Administration, 2014). **While this is true, it is just a very small part of what the FDA brings to the health care**

community. United States Food and Drug Administration The United States Food and Drug Administration (FDA), is a branch agency of the United States Department of Health and Human Services. It is made up of the Office of the Commissioner and several directorates such as the Office of Foods and Veterinary Medicine, the Office of Global Regulatory Operations and Policy, the Office of Medical Products and Tobacco, and the Office of Operations (United States Food and Drug Administration, 2014). Each directorate has its own core functions and responsibilities. The Office of Foods and Veterinary Medicine overlooks the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine. The Office of Global Regulatory Operations and Policy oversees the Office of International Programs and the Office of Regulatory Affairs. The Office of Medical Products and Tobacco oversees the Center for Biologics Evaluation and Research, Center for Devices and Radiological Health, Center for Drug Evaluation and Research, Center for Tobacco Products, and the Office of Special Medical Programs. Finally, the Office of Operations oversees the Office of Equal Employment Opportunity, Office of Finance, Budget and Acquisitions, and the Office of Information Management and Technology (United States Food and Drug Administration, 2014). Effect on Health Care The United States Food and Drug Administration, (2014) states that the "FDA is responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation" (Sec. What We Do; Para. 1). In addition, the FDA is also responsible for working with researchers to help make medications more effective, safe, and affordable to the public (United States Food and Drug Administration, 2014). The regulation of the tobacco industry is also part of the important roles of the FDA. The manufacturing, marketing, and distribution of tobacco to the public are strictly enforced by the FDA for the safety of the public and to reduce the risk of use by minors. This includes the enforcement of the Tobacco Control Act, warning letters, fact sheets on tobacco, regulations of e-cigarettes, public health information on tobacco, effects of methanol, and resources for the consumer (United States Food and Drug Administration, 2014). One final role the Food and Drug Administration plays is in counterterrorism. By the regulation of food safety and supply, the FDA ensures that the public receives food that is safe to eat. The FDA also fosters the development of medical products to help respond to public health threats that are either intentional or naturally occurring (United States Food and Drug Administration, 2014).

FDA is key- gives consumers a feeling of security

Douthitt 15- B.S. in Healthcare Administration

(Toni, FDA and Healthcare, LinkedIn, <https://www.linkedin.com/pulse/fda-healthcare-toni-douthitt>) JB

The United States Food and Drug Administration plays a very important role in the regulation of the medical field. From relating healthy eating habits to the public, accrediting and certifying mammography facilities, regulating the storage and disposal of narcotics, ensuring the safety of the development of medicine, and ensuring the safety standards and regulations of all medical products and services is a big responsibility. The FDA gives the consumers the safety and feeling of security when purchasing a product, taking a medication, or having a procedure done that involves the use of a medical device. As with many other government departments, the FDA is here to protect and serve.

Healthcare is a significant drag on the economy and only helps the rich

Galvin Cutler 11- Professor of Medicine and Health Policy at Yale and Professor of Applied Economics

(Robert, David, HOW WILL HEALTHCARE REFORM CHANGE THE ECONOMY?, <http://insights.som.yale.edu/insights/how-will-healthcare-reform-change-economy>) JB

What's the biggest risk related to healthcare? And how could developments in the industry negatively affect the rest of the economy? Galvin: It's a follow-on from the last question. If people are reluctant to hire and invest in this country because of healthcare costs, that has a direct spillover effect on the rest of the economy. Healthcare is a significant drag. But obviously things are always complicated. So if this were a booming economy, and revenues and the entire GDP were growing at a rapid clip, I suspect it would be less of a drag than in the current, slow growth climate, when there's such a focus on costs and uncertainty. It becomes a bigger issue because of those external forces. Cutler: I think that's right. I also think there are other risks. In my view, there's real potential for a massive meltdown of the system. If the recession keeps going and states keep cutting Medicaid, that will both drive up the number of uninsured and put such incredible pressures on hospitals that they won't be able to deal with it. That scenario involves extrapolating what we've already been seeing a few more steps. We see rich people can get access to the system. Poor people struggle mightily. And people in the middle feel they're not simply one bad event away from losing coverage but one bad event away from not being able to access the system because they can't afford the real providers. For that to become the new normal would be a catastrophic outcome, but it's not inconceivable.

The current healthcare system is terrible- leads to unneeded deaths and is worse for poorer people

Ressler 13- senior editor

(Tara, Poor Americans' Access To Health Care Varies Hugely Between States, And Those Gaps Are Getting Wider, Think Progress, <http://thinkprogress.org/health/2013/09/18/2639531/commonwealth-gap-access-health-care/>) JB

The huge disparities in health care across the country have contributed to a dynamic in which low-income Americans' access to high quality care is largely dependent on the state they live in, according to a new report from the Commonwealth Fund. Commonwealth's new scorecard attempts to investigate whether states are successfully providing health care to economically disadvantaged populations. The nonprofit finds a dramatic range between the highest-ranked states and the lowest-ranked states on its list. While the poor residents of states that rank higher on Commonwealth's scale of health care quality are more likely to be covered under some type of insurance and receive some kind of regular medical treatment, the poor residents living in states with lower rankings are much less likely to have access to the same care. For instance, when Commonwealth looked at how many low-income adults over the age of 50 are receiving their recommended preventive care — like cancer screenings and vaccines — researchers found that states like Idaho, Oklahoma, and California have rates of 26 percent or less. But in Massachusetts, 42 percent of that population receives that care. Commonwealth found that the average national rate for this health indicator was somewhat in the middle of those two figures, at 32 percent. Low-income adults are also much more likely to have dental issues in lower-ranked states. In West Virginia, Tennessee, Alabama, Mississippi, and Kentucky, about 25 percent of poor residents under the age of 65 have lost six or more teeth due to decay or disease — compared to less than 10 percent of those people in Connecticut, Hawaii, and Utah. "There are often two Americas when it comes to healthcare, divided by geography and income," the study's authors concluded. Ultimately, the stark differences in health care access and quality are leading to thousands of preventable deaths among poor Americans. The researchers point out that if the lowest-ranked states brought their health care delivery up to the standards that already exist for wealthier people in the highest-ranked states, an estimated 86,000 fewer people would die prematurely each year: Previous research has found that the health disparities between rich and poor areas of the United States are only getting increasingly worse. Ironically, those gaps will likely widen once the health reform law is fully implemented.

Healthcare is good- has helped push back against recent inequality- most recent data proves

Quealy and Katz 14- editor and correspondent

(Kevin, Margot, Obama's Health Law: Who Was Helped Most, NY Times, http://www.nytimes.com/interactive/2014/10/29/upshot/obamacare-who-was-helped-most.html?_r=0&abt=0002&abg=1) JB

We know that about 10 million more people have insurance coverage this year as a result of the Affordable Care Act. But until now it has been difficult to say much about who was getting that coverage — where they live, their age, their income and other such details. Now a large set of data — from Enroll America, the group trying to sign up people for the program, and from the data firm Civis Analytics — is allowing a much clearer picture. The data shows that the law has done something rather unusual in the American economy this century: It has pushed back against inequality, essentially redistributing income — in the form of health insurance or insurance subsidies — to many of the groups that have fared poorly over the last few decades. The biggest winners from the law include people between the ages of 18 and 34; blacks; Hispanics; and people who live in rural areas. The areas with the largest increases in the health insurance rate, for example, include rural Arkansas and Nevada; southern Texas; large swaths of New Mexico, Kentucky and West Virginia; and much of inland California and Oregon.

Healthcare isn't given to the people that need it the most

Pearl 15- contributor

(Robert, Why Health Care Is Different If You're Black, Latino Or Poor, Forbes, <http://www.forbes.com/sites/robertpearl/2015/03/05/healthcare-black-latino-poor/>) JB

The country is in a state of health care denial. Politicians, pundits and executives proudly declare America's medical care is the best in the world. But it isn't. The U.S. lags behind other industrialized nations in many important health measures – partly because citizens of certain races, ethnicities and incomes experience poorer versions of U.S. health care than others. The disparities are glaring. The solutions aren't nearly as obvious – but we'll explore some of the best ones in this article. First: U.S. Results Shoddy Compared To Global Counterparts The U.S. ranks dead last in life expectancy for men and second to last for women among the 17 wealthiest nations. Infant mortality in the U.S. ranks last among the most advanced countries in the world. And worse, among the 34 most developed countries, U.S. health care outcomes fell from 20th to 27th from 1990 to 2010. The world's richest economy scores dismally no matter which health care measures we examine. Why So Bad? One reason the U.S. ranks so poorly globally is that health outcomes for certain racial, ethnic and socioeconomic groups fare so poorly domestically. African-Americans, Latinos and the economically disadvantaged experience poorer health care access and lower quality of care than white Americans. And in most measures, that gap is growing. "Your health care depends on who you are," according to a 2014 report from the Robert Wood Johnson Foundation, the nation's largest philanthropy dedicated to health. "Race and ethnicity continue to influence a patient's chances of receiving many specific health care interventions and treatments."

FDA is key to implement the ACA- biosimilar drugs prove

Dellums 14- former congressman

(Ron, Congress Must Ensure FDA Does Not Undermine the Affordable Care Act, roll call, http://www.rollcall.com/news/congress_must_ensure_fda_does_not_undermine_the_affordable_care_act-236514-1.html) JB

Thirty years ago, Congress passed the Hatch-Waxman Act with bipartisan support. This legislation greatly expanded access to prescription drugs in America by accelerating the review process for generic drugs, thereby significantly lowering the cost to consumers, many of whom who are seniors and low- to moderate-income families. Since its passage, generic drugs now constitute approximately 84 percent of prescriptions in the United States. The increasing cost of health care has most recently been addressed through the Affordable Care Act. It ensures access to biologic drugs, which treat some of the most debilitating of diseases from multiple sclerosis to cancer. Biosimilars are essentially generics of these complex drugs made from living cells. Prior to the passage of the ACA, there was no law that allowed these drugs to be available to the U.S. public. The Food and Drug Administration is currently developing protocols to permit the marketing of biosimilars to patients in the United States. Toward this end, the role of the FDA should be to further expand quality health care at lower costs. The cost of biologic drugs is currently 22 times more expensive than traditional drugs. This could range from \$25,000 to \$200,000 per patient, per year. It is projected that by 2020, biologic drugs could account for 75 percent of all U.S. drug spending. The increased reliance by patients on biologic drugs could clearly result in staggering co-pays and co-insurance costs. The good news is the Congressional Budget Office has estimated that biosimilars could mean a 40 percent savings from brand-name counterparts. And biosimilars competition is not an untested concept. Europe has been benefitting from it since 2006. It is estimated that the influx of biosimilars on the European market has lowered costs there by as much as 40 percent. Some of the producers of biologic drugs have advocated procedures that would weaken competition, thereby increasing profits at the expense of consumer savings. Despite the success of biosimilars in Europe and elsewhere, the makers of biologic drugs have advocated to the FDA to make it harder for biosimilars competition to flourish. The ACA provides 12 years of market exclusivity before biosimilars are allowed to compete. The argument offered to FDA by some producers is based on the assumption that additional layers of bureaucracy are necessary in order to appropriately name biosimilars. Consumer advocates, pharmacists, labor and insurance organizations strongly counter that unique naming of biosimilars would actually result in confusion and medication errors. It is important to note that the Europeans have already rejected this approach. I encourage the FDA to carefully consider this issue and its impact on America's underserved population, as well as the new layers of bureaucracy which Congress opposed in the ACA. The agency could inadvertently derail competition from biosimilars, undermining a critical cost-saving tenant of the law. Competition in the marketplace has consistently been a measure of how the public can access options by evaluating costs as well the quality of a product. It is clearly no less important when accessing our health care options, particularly when cost may be prohibitive. It is rare that we have a chance to drastically improve access to lifesaving drugs. We brought better care and lowered costs back in 1984 with Hatch-

Waxman. In 2014, the FDA has the chance to make President Barack Obama and Congress' goal of saving patients and the government billions of dollars a reality.

FDA working on healthcare bad- distracts the FDA from its main responsibility

Viebeck 13- reporter

(Elise, GOP blasts FDA for promoting ObamaCare, The Hill, <http://thehill.com/policy/healthcare/306779-gop-blasts-fda-for-promoting-obamacare>) JB

GOP lawmakers framed the public emails as a step outside the FDA's jurisdiction. "While our nation suffers from numerous drug shortages and patients are waiting for drugs and medical device approvals, the FDA should not be using resources designated for these purposes to fund an effort unrelated to your agency's mission," the members wrote to Hamburg. Republicans also asked how much the FDA has spent in supporting implementation of the healthcare law, and out of what account it pays those expenses.

FDA is key to effectively implement the ACA's biosimilar drugs provision

Richardson 13- Research Associate Engelberg Center for Health Care Reform Brookings Institution

(Elizabeth, Health Policy Brief, Health Affairs, http://healthaffairs.org/healthpolicybriefs/brief_pdfs/healthpolicybrief_100.pdf) JB

The Affordable Care Act includes several provisions—collectively referred to as the Biologics Price Competition and Innovation Act (BPCIA)—which are designed to encourage competition in the market for biologic drugs. The term biologic refers to any therapeutic product derived from a biological source, including vaccines, antitoxins, blood products, proteins, and monoclonal antibodies. These drugs account for a substantial and an increasing share of the pharmaceutical market and a growing share of health systems costs. A key provision of the BPCIA authorizes the Food and Drug Administration (FDA) to develop an accelerated approval pathway for what are known as "biosimilar" products. Biosimilars are subsequent versions of an original biologic product that have the same mechanism of action in the body and are used for the same clinical indication but are not identical to the original product (variously referred to as the reference, pioneer, or innovator product). Because of the high cost of biologics, interest in developing an accelerated biosimilar approval process is high for patients, third-party payers, and some in the biopharmaceutical industry looking to contain costs. In February 2012 the FDA released draft guidance on this accelerated approval process, but to, date no biosimilar products have been reviewed or licensed in the United States. Numerous scientific, legal, and regulatory issues remain unresolved, and it is not yet clear how the biosimilar market will develop, nor if it will lead to substantially lower drug prices or better access to biologic drugs.

Obamacare helps struggling demographic groups

Ressler 6/15- senior editor

(Tara, Thanks To Obamacare, The Number Of Poor People Without Insurance Has Plummeted, Think Progress, <http://thinkprogress.org/health/2015/06/23/3672845/obamacare-uninsurance-low-income/>) JB

The Affordable Care Act has significantly reduced the number of low-income Americans going without health insurance, according to new federal data examining the first full year that the health law extended coverage to millions of people. Previous studies have suggested that, thanks to Obamacare, the national uninsurance rate has dropped to record lows. But the National Health Interview Survey, which is conducted by researchers at the Centers for Disease Control and Prevention, delivers perhaps the most trusted data on the country's recent health policy changes. This particular survey has been administered for more than five decades and is held up as a gold standard among researchers in the field. The National Health Interview Survey concluded that, among U.S. adults between the ages of 18 and 64, "for every poverty status group, a significant decrease was seen in the percentage who were uninsured between 2013 and 2014." During that time period, which marked the beginning of Obamacare's major coverage expansion, the uninsurance rate for Americans defined as "poor" and "near-poor" both saw sharp drops of at least seven percentage points: Americans who are not considered poor — in other words, families of four living on an income greater than \$47,700 — saw a much smaller gain. Among that group, the uninsurance rate declined about 2.5 percentage points. The divide in the data reflects the fact that the Affordable Care Act was specifically designed to extend coverage to struggling people who were previously locked out of the insurance market. Previous enrollment data has suggested the law is successfully narrowing the gaps among the demographic groups that have historically struggled to access health care, like African Americans, low-income people, and women.

ACA helps the economy- gives more money to families, boosts demand, and brings down unemployment

Furman 14- Chairman of the Council of Economic Advisers

(Jason, Six Economic Benefits of the Affordable Care Act, Council of Economic Advisers, <https://www.whitehouse.gov/blog/2014/02/06/six-economic-benefits-affordable-care-act>) JB

Putting more money in families' pockets, boosting demand, and bringing down unemployment today. As of January 1, more than 2 million people had selected a plan in the health insurance marketplace, and nearly 80 percent of those people will — thanks to the ACA — benefit from tax credits to help pay their premiums. All told, the Congressional Budget Office estimates that over the entirety of 2014, 5 million people will benefit from premium tax credits and help with cost-sharing averaging \$4,700 per person. In 2015, 11 million people are estimated to benefit, rising to 19 million in 2016. Many millions more will gain affordable health insurance coverage through Medicaid. These provisions of the ACA make it easier for families to access health care services and to meet other pressing needs, which will increase the demand for goods and services throughout the economy at a time when the unemployment rate is still elevated. For this reason, as CBO Director Doug Elmendorf testified, the ACA "spurs employment and would reduce unemployment over the next few years." The ACA is thus — today — helping ensure that every American who wants a job can find one.

ACA helps the economy- reduces the deficit

Furman 14- Chairman of the Council of Economic Advisers

(Jason, Six Economic Benefits of the Affordable Care Act, Council of Economic Advisers, <https://www.whitehouse.gov/blog/2014/02/06/six-economic-benefits-affordable-care-act>) JB

Reducing our long-term deficit and laying the foundation for future growth. The Congressional Budget Office (CBO) has estimated that over fiscal years 2013 through 2022, the ACA will reduce the deficit by \$109 billion. The ACA's deficit-reducing effects will grow over time. CBO estimates that over the decade from 2023 through 2032, the ACA will reduce the deficit by an average of 0.5 percent of GDP each year, corresponding to total deficit reduction of nearly \$1.6 trillion over that ten-year period. Lower long-term deficits due to the ACA will mean higher national saving, which will increase capital accumulation and reduce foreign borrowing, thereby making workers more productive and increasing national income and living standards over time.

ACA helps the economy- stops the job lock

Furman 14- Chairman of the Council of Economic Advisers

(Jason, Six Economic Benefits of the Affordable Care Act, Council of Economic Advisers, <https://www.whitehouse.gov/blog/2014/02/06/six-economic-benefits-affordable-care-act>) JB

Reducing “job lock” and encouraging job mobility and entrepreneurship. Before the ACA, many Americans’ only source of secure health insurance coverage was through their jobs. For people with pre-existing medical conditions, purchasing coverage on their own was often unaffordable or even impossible since insurance companies could simply refuse to provide coverage. For others, buying coverage on their own meant living with the fear that their insurer would raise their premiums without warning or even cancel their policy altogether. This could have the effect of locking workers into jobs. As economists at the Heritage Foundation wrote before passage of the ACA: “Individuals who wish to take a better job, change careers, or leave the workforce to raise a family or to retire early take substantial risks...This health insurance obstacle to labor mobility is sometimes called ‘job lock.’” Because of the ACA's ban on discrimination against people with pre-existing conditions and its other strong consumer protections, all Americans now have secure access to health insurance, whether or not they can get coverage through their workplaces. This guarantee of access to health insurance has a variety of economic benefits. Access to health insurance outside the workplace allows people to structure their careers in ways that make sense for them, like by taking time off to raise a family or by retiring when they want to. It also allows people to take risks that further their careers and benefit the economy as a whole, like going part-time in order to go back to school, leaving a job in order to start a business, or moving to a better job, perhaps at an employer that does not offer coverage. While the empirical evidence on the magnitude of these types of responses is incomplete (and in some cases mixed), there is no doubt that job lock presents an economic challenge. By increasing workers’ mobility across jobs, secure access to health insurance helps them to find the job that is best for them—and thus increases overall wages and productivity. Moreover, reducing job lock encourages entrepreneurship, a critical ingredient for growth and job creation.

!!!!Off-Case Answers!!!!

Disad Answers

Terror D.A.

2AC

And, Insider surveillance has ZERO effectiveness – prefer experts (1AC)

Landay 13

(Johnathon, “U.S. Plan To Predict Future Leakers Isn't Likely To Work, Experts Caution,” pg proquest //um-ef)

WASHINGTON -- In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues based on behavioral profiling techniques that are not scientifically proven to work, according to experts and government documents. The techniques are a key pillar of the Insider Threat Program, an unprecedented government-wide crackdown under which millions of federal bureaucrats and contractors must watch out for "high-risk persons or behaviors" among co-workers. Those who fail to report them could face penalties, including criminal charges. Mr. Obama mandated the program in an October 2011 executive order after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and gave them to WikiLeaks, the anti-government-secrecy group. The order covers virtually every federal department and agency, including the Peace Corps, the Department of Education and others not directly involved in national security. Under the program, being implemented with little public attention, security investigations can be launched when government employees showing "indicators of insider threat behavior" are reported by co-workers, according to previously undisclosed administration documents. Investigations also can be triggered when "suspicious user behavior" is detected by computer network monitoring and reported to "insider threat personnel." Federal employees and contractors are asked to pay particular attention to co-workers' lifestyles, attitudes and behaviors -- such as financial troubles, odd working hours or unexplained travel -- as a way to predict whether they might do "harm to the United States." Managers of special insider threat offices will have "regular, timely and, if possible, electronic access" to employees' personnel, payroll, disciplinary and "personal contact" files, as well as records of their use of classified and unclassified computer networks, polygraph results, travel reports and financial disclosure forms. Over the years, numerous studies of public and private workers who have been caught spying, leaking classified information, stealing corporate secrets or engaging in sabotage have identified psychological profiles that could offer clues to possible threats. Administration officials want government workers trained to look for such indicators and report them, so the next violation can be stopped before it happens. "In past espionage cases, we find people saw things that may have helped identify a spy, but never reported it," said Gene Barlow, spokesman for the Office of the National Counterintelligence Executive, which oversees government efforts to detect threats such as spies and computer hackers and is helping implement the Insider Threat Program. "That is why the awareness effort of the program is to teach people not only what types of activity to report, but how to report it, and why it is so important to report it." But even the government's top scientific advisers have questioned these techniques. Those experts say trying to predict future acts through behavioral monitoring is unproven and could result in illegal ethnic and racial profiling and privacy violations. "There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all," a 2008 National Research Council report on detecting terrorists concluded. "Doing something similar about predicting future leakers seems even more speculative," Carnegie Mellon University statistics and social science professor Stephen Fienberg in Pittsburgh, a member of the NRC committee that wrote the report, said in an interview.

The program is systematically flawed – based on subjective decisions and overloaded with mass information

Rottman, 2013

(Gabe, a legislative counsel/policy adviser in the ACLU's Washington Legislative Office, "Obama's Whistleblower Witchhunt Won't Work at DOD," Defense One, July 29, 2013, <http://www.defenseone.com/management/2013/07/obama-whistleblower-witchhunt-wont-work-DOD/67598/>, Accessed: July 8, 2015, YDEL)

For two decades during the Cold War, an ultra-secret "mole" hunting squad at the Central Intelligence Agency, led by James Jesus Angleton, investigated hundreds of loyal government workers, primarily Eastern Europeans, in an obsessive search for Soviet spies based on tips from a questionable source. When all was said and done, many careers were ruined, no mole found and Angleton had lent his name to a new word for things conspiratorial and paranoid: Angletonian.¶ The Obama administration is now on an Angletonian path, but on a meta scale throughout the government. Two years ago, **the White House implemented the Insider Threat Program, an initiative created by executive order** following the WikiLeaks affair. Not surprisingly, **civil liberties groups fear the initiative will open the door to inappropriate and biased reporting based on racial and ethnic profiling, whistleblower retaliation** and personal and political vendettas **that will overload the system with bad information**. These critics are joined, however, by career counter-intelligence experts, many of whom argue that non-professionals are simply ill-equipped to accurately identify potential threats.¶ **The program requires any government agency with network access to classified information to design and implement an insider threat plan to better identify both spies and leakers** (including whistleblowers seeking to reveal government fraud, waste, or illegality). The plans address both network and information security, but much of the focus has been on personnel security.¶ **Implementing agencies must train all of their cleared workers on how to identify "high-risk" behavior by their colleagues** like "stress," sudden financial problems or "exploitable behavior traits," as one Defense Department publication puts it. In certain circumstances and agencies, **failure to report such behavior could leave employees open to disciplinary action or even, reportedly, criminal penalties**. Some agencies have extended the program to all workers, not just those with clearances, and in many cases the training is far from comprehensive. It's also unclear who will run these programs. McClatchy, which broke the story, only notes that the Pentagon is training managers and security officials at the Defense Department and contractors to set up "insider threat offices."¶ Interestingly, of those looking at the program, few have noted the particularly acute problems posed by **the program** at the Defense Department, which **will face special challenges** for two related reasons.¶ **The first is simply size. DOD is one of the largest employers in the world** and — because of its size and mission — has the largest pool of security clearances in the government. **In a total population of almost 5 million cleared government workers**, the Defense Department has more than half, which include civilian employees, contractors and military personnel. ¶ Additionally, one of the more important government-wide counterintelligence services is the Defense Security Service, which is responsible for counterintelligence training and reporting for the entire defense industry. It also administers the federal industrial security program, which grants facility security clearances and provides security monitoring for more than 13,500 cleared, contractor facilities at DOD as well as 26 other government agencies. **As a result, any insider threat guidance from DOD administered through DSS would apply very broadly.**¶ By dragooning every cleared defense employee as a potential tipster (and potentially punishing them if they do not report), **the Insider Threat Program will vastly inflate the universe of potential leads. The sheer volume of data generated by a program that not only invites, but requires, Defense Department workers to report "suspicious" behavior by colleagues will overwhelm the smaller number of investigators actually working on legitimate insider threats.** ¶ The same "big data" issues have bedeviled the wider counterterrorism enterprise in the years following 9/11. Legislative and administrative initiatives have prompted unprecedented information gathering by the government without the requisite resources or technical ability to digest the data. False positives are, tragically, a frequent occurrence and are all too often the result of profiling based on a person's race or ethnicity.¶ Equally tragic are the investigative failures in the overworked system, which was unable to detect in advance, for instance, the Boston bombers or the Detroit underwear bomber despite earlier tips to the government. In the case of Fort Hood shooter Army Maj. Nidal Hasan, the FBI's Webster Commission Report specifically said that **the post-9/11 "data explosion" contributed to the failure to properly assess emails** between Hasan and Anwar al-Awlaki. Similarly here, **by turning the entire DOD workforce into a tips factory, the number of leads generated by the Insider Threat Program will only increase the static on the line.** ¶ **The second problem arises from the government's purported "indicators" of high-risk behavior.** It is true that some traditional indicators of espionage like sudden and unexplained wealth, attempts to conceal foreign travel or the mishandling of classified information may provide leads for counterintelligence agents to initiate investigations. But **opening the floodgates by requiring cleared workers to report every perceived instance of such behavior will only stress the investigators and increase the risk of system**

failure. ¶ The current initiative, however, goes beyond these traditional indicators and expands potential red flags, including things like stress, divorce, financial distress or other life conflicts that are commonplace. And the program gives agencies the ability to experiment more freely. As reported by McClatchy, for instance, FBI insider threat guidance warns security personnel to be on the lookout for “James Bond Wannabe[s]” and people with sympathy for the “underdog” or for a “particular cause.” ¶ **The fatal flaw in the “insider threat” detection system is that it is attempting to systematize something that is highly subjective. It asks individuals without extensive and proper training in counterintelligence to determine whether an individual is “acting suspicious.” Some individuals are going to see a spy or leaker around every corner, and unfortunately many also harbor biases that make them more likely to suspect certain individuals more than others. Racial and ethnic profiling, especially against Arabs, Muslims and South Asians, is an unfortunate fact of life, and government employees are as vulnerable to those biases as everyone else.** Requiring workers to report everything they think is suspicious means a larger haystack of bad information. **It also makes the needles look smaller because the data surplus strains investigators and makes it easier for the bad guy to hide his tracks.** ¶ It’s worth remembering that the Angleton program was eventually dismantled not just for principled reasons but because, pragmatically, the omnipresent suspicion and lack of independent checks on Angleton and his staff had hamstrung the CIA in its mission. Case officers couldn’t recruit sources or collaborate with friendly intelligence agencies. That operational risk, coupled with both the threat to government employees’ civil liberties and the danger that this will overwhelm counter-intelligence investigators, counsel strongly against this Angletonian initiative.

The Insider threat program isn’t helping- allows for profiling and overloads the US with data

Rottman 13- legislative counsel/policy adviser in the ACLU’s Washington Legislative Office

(Gabe, Obama’s Whistleblower Witchhunt Won’t Work at DOD, Defense One, <http://www.defenseone.com/management/2013/07/obama-whistleblower-witchhunt-wont-work-DOD/67598/>) JB

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The Insider threat program will be abused and fails- civil liberty groups and intelligence experts agree

Rottman 13- legislative counsel/policy adviser in the ACLU's Washington Legislative Office

(Gabe, Obama's Whistleblower Witchhunt Won't Work at DOD, Defense One, <http://www.defenseone.com/management/2013/07/obama-whistleblower-witchhunt-wont-work-DOD/67598/>) JB

The Obama administration is now on an Angletonian path, but on a meta scale throughout the government. Two years ago, the White House implemented the Insider Threat Program, an initiative created by executive order following the WikiLeaks affair. Not surprisingly, civil liberties groups fear the initiative will open the door to inappropriate and biased reporting based on racial and ethnic profiling, whistleblower retaliation and personal and political vendettas that will overload the system with bad information. These critics are joined, however, by career counter-intelligence experts, many of whom argue that non-professionals are simply ill-equipped to accurately identify potential threats. The program requires any government agency with network access to classified information to design and implement an insider threat plan to better identify both spies and leakers (including whistleblowers seeking to reveal government fraud, waste, or illegality). The plans address both network and information security, but much of the focus has been on personnel security.

AT: Insider threat D.A.

2AC

Wont stop attacks and collapses government efficiency – prefer experts and comprehensive studies

RT 13

(Russia Today, “Obama administration urges federal employees to spy on each other to avoid leaks,” pg online @ <http://rt.com/usa/obama-insider-threat-leaks-905//um-ef>)

President Barack Obama has asked that federal agencies launch an unprecedented campaign requiring government workers to monitor the behavior of their colleagues and report potential leakers under the threat of prosecution. McClatchy reporters Jonathan Landay and Marisa Taylor wrote Tuesday that the “Insider Threat” program mandated by Pres. Obama utilizes methods that, while meant to identify security threats from within, actually provoke co-workers to spy on one another. The program is unprecedented in scope and hopes to prevent future instances where government secrets are spilled. According to a new report, however, the Insider Threat initiative and the techniques utilized by the agencies involved are not proven to work. Insider Threat was authorized in October 2011 after Army Private first class Bradley Manning sent classified intelligence to the website WikiLeaks, an action that government prosecutors argued in court this week aided al-Qaeda by indirectly providing them with secret documents. Through the program, employees are asked to monitor the behavior of their peers, and could face hefty penalties if they fail to alert higher-ups of a potential breach. Specifically, the Insider Threat program asks that officials within the ranks of federal agencies spanning all sectors of the government adopt behavioral profiling techniques that ideally would alert higher-ups of a subordinate interested in leaking intelligence. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education have all been asked to watch out for “high-risk persons or behaviors” among co-workers under the program, and if “indicators of insider threat behavior” are brought to attention, officials within those agencies are expected to investigate in order to curb the likelihood of another Pfc. Manning. Research conducted by McClatchy reporters combined with expert interviews suggest those efforts are futile, though, and aren’t proven to work. Gene Barlow, a spokesman for the Office of the National Counterintelligence Executive, told McClatchy that “the awareness effort of the program is to teach people not only what types of activity to report, but how to report it and why it is so important to report it.” So far, though, that method hasn’t been proven to actually put potential leakers out of work. According to McClatchy, the “indicators” that federal employees are told to monitor include stress, relationship issues, financial problems, odd work hours and random traveling. “It simply educates employees about basic activities or behavior that might suggest a person is up to improper activity,” Barlow told reporters. On the website for his agency’s Insider Threat program, the Office claims that employees may be lured to “betray their nation for ideological reasons, a lust for money or sex, or through blackmail,” and cites threats from within as “the top counterintelligence challenge to our community.” Barlow also stressed that the policy “does not mandate” employees to report behavior indicators, but McClatchy reporters noted that failing to act could land an eyewitness with harsh penalties, including criminal charges. According to a 2008 National Research Council study, however, analyzing these indicators do not necessarily signal that one agent may be up to no good. “There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all,” the study concluded. “We have not found any silver bullets,” added Deana Caputo, a behavioral scientist at MITRE Corp., which assists several US agencies with their insider threat efforts. “We don’t have actually any really good profiles or pictures of a bad guy, a good guy gone bad or even the bad guy walking in to do bad things from the very beginning.” Investigative journalist Dave Lindorff spoke with RT regarding the “Insider Threat” program, saying that it is neither focused on safeguarding national security, nor a good way to run government. “It’s a completely inefficient way to run a government bureaucracy. And the worst thing about it is it’s got nothing to do with national security, because they’re talking about every

department of the government. The Department of Labor, the Food and Drug Administration, the Health Department. All of these that have nothing to do with national security, **he's telling people to rat out their neighbors, their coworkers** if they think that they're doing something wrong," says Lindorff, **which will also dissuade good staff from pursuing government work.**

Outsider threat is the real problem – resulting from outdated security

Dunn 8 (John E. Dunn is one of the co-founders of Techworld and has worked as technical editor/editor on a number of titles including Personal Computer World, LAN Magazine, Network World, Network Week, and startup title Tornado-Insider. He is currently Security Editor for Computerworld UK and Techworld. He has also freelanced for a number of technical publications in the technology, science and business fields; **PC World; “Insider Threats Exaggerated, Study Says”; June 15, 2008; <http://www.pcworld.com/article/147098/article.html>)/HB**

Insiders are not, after all, the main threat to networks, a detailed new analysis of real-world data breaches has concluded. Verizon's 2008 Data Breach Investigations Report, which looked at 500 breach incidents over the last four years, contradicts the growing orthodoxy that insiders, rather than external agents, represent the most serious threat to network security at most organizations. Seventy-three percent of the breaches involved outsiders, 18 percent resulted from the actions of insiders, with business partners blamed for 39 percent -- the percentages exceed 100 percent due to the fact that some involve multiple breaches, with varying degrees of internal or external involvement. "The relative infrequency of data breaches attributed to insiders may be surprising to some. It is widely believed and commonly reported that insider incidents outnumber those caused by other sources," the report states. "Our caseload showed otherwise for incidents resulting in data compromise. This finding, of course, should be considered in light of the fact that insiders are adept at keeping their activities secret." **Fifty-nine percent of breaches were attributed to hacking, 31 percent involved malicious code, 22 percent exploited vulnerability, with 15 percent involving a physical threat. Sixty-two percent -- the overwhelming majority -- had at their root human error.** Nevertheless, the report cautions from using the statistics to dismiss the internal threat altogether. When internal or partner security compromises happen, they tend to involve greater amounts of data. Where data loss was involved, external security breaches resulted in a media of 30,000 records being compromised, some way behind the figure for internal breaches, at 375,000. **When internal hacks occur, they tend to be nastier, with 50 percent blamed on IT staff themselves, way ahead of other types of employee. The report concludes that honest network admins are obsessed with outdated ideas of perimeter security. Had data security been looked at within the network, almost nine out of ten data breaches could have been avoided. "While a strong network perimeter is important, it cannot be the only or even the main layer of protection around sensitive information assets," the authors say.**

Vague language ensures witch hunts at the expense of an effective program

Lange 2013 Kit Lange is a longtime blogger who has seen her work quoted, published, or linked to in many print and online publications, including New Yorker Magazine and Patrolling, the official publication of the 75th Ranger Regiment Association. In 2005 she helped exonerate a Marine officer falsely charged with war crimes in Iraq, as detailed in the book "Warlord." In 2006, she co-wrote a ten-part series that cleared the names of a Long Range Recon (Ranger) team accused of war crimes in Vietnam. She also helped start Guard the Borders, the first blogger coalition specifically dealing with illegal immigration. Currently she is the Intelligence officer for Liberty for All, a group fighting for liberty at the tip of the spear for the liberty movement in Washington State. She also owns and writes at The Patrick Henry Society, an intelligence blog for III%

patriots. She holds an Honors BA in Counterintelligence and is nearly finished with a dual graduate program in Criminal Intelligence and Criminal Justice. (August 1, 2013, "The Dangers of the Insider Threat Program, Part 3" <http://victorygirlsblog.com/the-dangers-of-the-insider-threat-program-part-3/>)/CEB

The Insider Threat Program offers standard behavioral patterns that can often indicate a security leak. Those given access to classified information are taught these, and expected to report blatant problematic conduct or suspected actual breaches. ITP also, however, offers much more fluid and even inconsistent criteria as well. Taylor and Landay write that the program "gives agencies such wide latitude in crafting their responses to insider threats that someone deemed a risk in one agency could be characterized as harmless in another."[1] The lack of consistency leads to unclear standards and confusion for employees—especially those who may transfer to another agency or department. Even though so-called minimum standards have been established by the President, he also directly instructed agencies to look for individuals who may be involved in potential espionage. The intentionally vague directions result in what Taylor and Landay call a "hodgepodge of interpretation," and directly lead to witch hunts, where innocent people are investigated for innocent actions that were misinterpreted and reported by overzealous or even vindictive co-workers. Richard J. Evans writes that the Gestapo of Nazi Germany was used in much the same way.[2] Canadian historian Robert Gellately also notes that the end result of the Gestapo's tactics was "the creation of widespread fear and the belief that the state was all-seeing, an attribute fictionalized by George Orwell" many years before the ITP was ever conceived.[3]

Scientific consensus that the program doesn't work and the science is unproven at best

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Officials are hesitant to speak out publicly against the program for fear of being caught up in its ever-reaching investigative web. Speaking on condition of anonymity, however, their criticism is direct and caustic, even calling it "something like The Stepford Wives," referring to a film about robot housewives.[7] Former analyst Greenstein said she was specifically told that "If [a co-worker] was having a bad day, the message was to watch out for them." [8] For once both left and right political bloggers and pundits are agreeing on an issue, as articles and opinion pieces have sprung up all over the internet drawing parallels between Obama and the beginning rise of Hitler in 1932 Germany. Others are calling ITP the "Stasi" program, referring to the East German intelligence agency/secret police that was responsible for literally infiltrating the entire populace and reporting dissidents to the government for punishment. Those who speak out against the program, in or out of the government, do so both anonymously and at their own peril. Another top criticism of the ITP program is its use of profiling techniques that are unproven in this arena. In 2002, Peter Reiher of the University of California-Los Angeles Laboratory for Advanced Systems Research, performed a study as to whether it was possible to distinguish the computer use and file access patterns of a regular secure systems user from someone who was engaging in suspicious activity. His study claimed to find unequivocal evidence that it was in fact possible to tell the difference, and called for further research on how to implement controls that would analyze user computer behavior for suspicious acts.[9] Conversely, however, a

2008 National Research Council report on terrorism detection for the Transportation Safety Administration (TSA) concluded that “There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or psychological behavioral monitoring techniques are ready for use at all.”^[10] Carnegie Mellon statistics professor Stephen Fienberg—one of the experts who helped write the National Research Council Report—wrote that “Doing something similar [as behavioral profiling] about predicting future leakers seem even more speculative.”^[11] Also of concern to observers is the paradox of forced reporting with the potential for incentives being paid to those who do report the results of their ‘profiling’. Kel McClanahan, a Washington attorney who specializes in national security law, drew attention to the potential for creating what amounts to a hostile work environment, and wrote that “the only thing they haven’t done is reward [turning in co-workers].”^[12] He points to what he sees as the future of the ITP: literally paying incentives for those who report, even perhaps offering greater incentives for those who report more. Experts see a high potential for abuse, as the program could be used as revenge against a strict boss, a disliked co-worker, or even an ex-lover from the workplace.

The ITP increases risk of leaks and vulnerability in the U.S.

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The ultimate test of any program such as Insider Threat is two-fold: is it Constitutional, and does it work? In this case, the answer to both of these questions is an unequivocal “no.” It is understood that those who volunteer to work in the intelligence field, or who are entrusted with classified information need to be screened, and in order to do that they give up certain privacy rights that other citizens enjoy. The level of intrusion that is present in ITP, however, is a recipe for disaster. The penalization of employees who are not overzealous in reporting their co-workers for any real or imagined infraction, combined with techniques they are not fully trained on and inconsistent standards between agencies, can and will continue to result in innocent people being caught up in the web of an unnecessary counterintelligence investigation. In addition, the environment that ITP cultivates leads to overall added vulnerability for the US, as employees who may have been loyal for many years are now treated as though they are threats by co-workers. Meanwhile, the Pollards and Ames will continue to go undetected, and leaks on the scale of Manning and Snowden will continue to occur.

Stereotyped insider threats like the neg excite the media and lead to a demon hunt that doesn’t solve non-malicious insider threats

Wall 11 (David S. Wall, PhD. Durham University, UK; Organizational Security and the Insider Threat: Malicious Negligent and Well-Meaning Insiders”; 2011;

http://www.symantec.com/content/de/de/about/downloads/press/WP_Organizational_Security_and_the_InsiderThreat_Malicious_Negligent_and_Well-Meaning_FINAL.pdf//HB

The fly in the ointment here is that not all insider precipitated incidents are malicious, so they do not neatly fit into the good guy/bad guy binary; for example, some insiders may be negligent as illustrated earlier, or more competent others may simply skip security measures in order to increase their efficiency. Yet, the dogged pursuit of the stereotypes excites the media and shapes public opinion and leads to increased demands for security which cannot always be met. This is because the hunt for demons misses those outside the stereotype, which is why it is so important to distinguish between the different types of insiders who are clearly an important part of the security problem. The worst case security scenario here is that security policy becomes too draconian by demonizing insiders as well as outsiders, slowing down the enterprise without effectively protecting it. An equally worst case scenario is that the resulting security ends up simply being 'presentational', or what Schneier (2003) calls 'security theater' which is publicly visible security measures that are primarily designed to demonstrate to the public that security countermeasures to an identified problem have at least been considered, even though they have little actual influence upon security. In short, security policy could end up damaging the organization if it does not allow (and respond) to different types of insiders.

current insider threat program fails – rising threats

Dozier, 14, [contributing writer to The Daily Beast and a contributor to CNN]

(Kimberly, 8-18, "US Intelligence Can't Stop the Next Snowden for Years"

www.thedailybeast.com/articles/2014/08/18/spy-games-us-intelligence-agencies-overdue-for-new-protocols-to-detect-leakers.html")

A new leaker is spilling secrets while the government rushes to build systems to track access to classified info and find potential spies. Stung by criticism over allegedly draconian surveillance of its own employees—and by the appearance of an apparent new leaker—the U.S. intelligence community is struggling to put in place sweeping new monitoring to watch the watchers, without going so far that they chill whistleblowing or go so Big Brother, they drive their workforce away. They're also smarting over charges that the new monitoring is taking too long to install. U.S. intelligence officials tell The Daily Beast that they're still almost a year away from being able to monitor public databases for signs their employees have broken U.S. laws or hit financial difficulty. And the officials said the community is months if not years away from monitoring individual computer activity in the 70 government agencies that have access to classified information, because of the variety of computer systems and networks that span the U.S. government. They don't even have 100 percent coverage across the intelligence agencies yet, when it comes to some of the highly classified or compartmented programs. That delay has likely enabled a reported "second Snowden" who leaked secret files to The Intercept from the National Counterterrorism Center from August 2013—after now-fugitive NSA leaker Edward Snowden fled to Russia. Officials are even running a pilot to monitor what those with clearances post on public social media and message boards, but they think that may be a step too far in terms of scale and intrusion on privacy. The scope of the changes being considered under the moniker "Continuous Evaluation" show the wide-ranging impact of insider threats. These include the diplomatically embarrassing WikiLeaks cables, ex-NSA contractor Edward Snowden's disclosure of classified documents leading to public outrage prompting changes in some NSA programs and the deadly shooting incident at the Navy Yard by contractor Aaron Alexis, whose security checks missed what investigators later called a pattern of disturbing behavior. The intelligence community has already taken many steps to plug the leaks, from requiring two staffers to be present to access any particularly sensitive files in some agencies, to reminding workers to take notice and report on any suspicious activity by their colleagues. The director of National Intelligence, James Clapper, also rolled out a new policy on interacting with the media that bans talking about even unclassified intelligence matters with journalists without prior permission. "To a large extent, it's not only smart, it's long overdue. The way the existing process works, they look at you every five to 10 years ... and then they forget about you until the next review is due years later." Adding to that, the officials said in the interview that by next spring, the Office of the Director of National Intelligence will start checking the names of 1.5 million employees with top secret

clearances against a series of publicly available and government databases, including those that show recent arrests, credit scores and large cash transactions of \$10,000 or more. It's part of upcoming changes to the Insider Threat Policy set by the Office of the National Counterintelligence Executive. They will eventually monitor those

databases for the activity of all the 5 million-plus people cleared to see the U.S. government's secret documents. The officials spoke anonymously as a condition of describing the program. If those monitoring find

something amiss, they would report it to the employee or contractor's parent agency for possible investigation—or not, at their discretion. “To a large extent, it's not only smart, it's long overdue,” said Steven Aftergood, who directs the Federation of American Scientists' Project on Government Secrecy. “The way the existing process works, they look at you every five to 10

years...and then they forget about you until the next review is due years later.” But Aftergood and other critics on Capitol Hill say the proof will be in how it's enacted, and how the employees feel about it—especially if it extends to monitoring online activity

outside work. “It needs to be demonstrated in practice that the triggers won't lead to...a paranoid workplace,” he said. “They can't push it too far or it will backfire.” The officials said that's why they are only looking at public databases that track things like crime or bankruptcy, which employees with clearances are supposed to reporting to their bosses anyway. The officials described the planned monitoring of work computer terminals as limited to looking for “red flags” like massive downloads of documents on Syria by an analyst working on another part of the world. In terms of social media, the officials said they're testing if it's even feasible to track posts on open forums from employees or contractors who hold clearances and look for signs they are ready to strike at their agency. Snowden posted comments indicating his dissatisfaction with his bosses long before he copied what intelligence officials say was more than a million documents, though he says he copied less. But one of the key officials overseeing the program said he doubts they'll go that far, because it's not clear that it would be worthwhile monitoring what an employee says in what they know to be a public, and therefore easily monitored forum. That's because such hypothetical social media monitoring would not cover what someone says on their personal Facebook page, if the page had a high privacy setting that limited access only to family or close friends. The official said they had already rejected the practice of some foreign intelligence agencies, in which employees have to self-report personal email addresses and social media interaction and turn over their passwords to allow the spy agency access. “We don't look at an employee's personal emails or computers at home,” the senior official insisted. Still, legislators want assurances that government employees or contractors will be able to have a reasonable degree of privacy at home, and will still be able to communicate any workplace issues to the appropriate authorities. Senators Chuck Grassley (R-Iowa) and Ron Wyden (D-Ore.) expressed concern that the new monitoring might have a chilling effect on the confidentiality of whistleblowers to Congress or Inspectors General. In a letter to Director of National

Intelligence James Clapper in June, they wrote, “If whistleblower communications with Inspectors General or with Congress are routinely monitored and conveyed to agency leadership, it would defeat the ability to make

protected disclosures confidentially.” The officials countered that they are trying to teach employees how to express their concerns through classified channels, including detailing how best to reach out to an agency inspector general. It's the heightened exhortations to watch each other at work that worries Mark Zaid, a lawyer who represents whistleblowers and national security personnel. “It's very much McCarthyism, like going back toward the 1950s,” with encouraging employees to report on their team for any indications of Communist leanings, he said Sunday. Even before the rash of leaks, he said that he'd represented clients who were reported as possible security risks because of emotional outbursts at work or changes in mood and work habits—behavior that might indicate someone is justifiably dissatisfied with their job or their manager, not about to reveal state secrets to the national news media. “How long will the investigation take...and how much damage it will do to that person's career when they are on leave for six months—that's where the dangers are,” he said. The officials did look uncomfortable when asked to defend their boss Clapper's new guidance for talking to members of the media, which is seen by many intelligence agency staffers as all but prohibiting even social contact without reporting it to supervisors. One of the officials insisted that saying hello to a journalist or talking to them in a social setting was allowed—but talking about intelligence matters in any way was not. When asked what was the difference between a current or former spy agency employee explaining intelligence matters to a journalist to protect their agency, and the leaks of Edward Snowden, one of the officials said “scale.” “Snowden scraped more than 1 million documents off the servers,” the senior official said. “There's no way he could have read all of them, and therefore no way he could have known who it might have harmed if released.”

The programs aren't even implemented yet – cant stop threats

Johnson 13 (Nicole Blake Johnson is a journalist for the CDW family of technology magazines; “Agencies Struggle to Launch Insider Threat Programs”; Federal Times; September 3, 2013; [http://archive.federaltimes.com/article/20130903/IT01/309030002/Agencies-struggle-launch-insider-threat-programs\)//HB](http://archive.federaltimes.com/article/20130903/IT01/309030002/Agencies-struggle-launch-insider-threat-programs)//HB)

Nearly half the agencies handling classified data on their networks lack capabilities to thwart damaging information leaks by disgruntled insiders, according to an annual report released today. Some 39 departments and agencies, including Homeland Security, Justice and Defense, handle classified government data on their networks. Of those, 44 percent said they have not yet met the minimum standards required for an effective insider threat program; 56 percent say they have met the standards. Those standards include the ability to gather, integrate and centrally analyze and respond to key threat-related information; monitor employee use of classified networks; provide the workforce with insider threat awareness training; and protect the civil liberties and privacy of all personnel, according to the Information Sharing Environment's 2013 annual report to Congress. The Information Sharing Environment is the national office charged with planning, coordinating and monitoring the progress of information-sharing across federal, state and local governments, and the private sector. The report is an assessment of agencies' progress to securely share information through various programs and initiatives. The report also reveals agencies' progress in managing the use of removable media devices, one of several indicators used to measure how well agencies protect their classified networks. Seventy-four percent of agencies have implemented removable media practices while 26 percent have not. Meantime, foreign adversaries are also working to access federal data and gain political, military and economic advantages, the report said. “Foreign intelligence service collection efforts target nearly every entity involved in classified and unclassified high-end research throughout the United States.” The “foreign intelligence services are leveraging the placement of individuals from all walks of life in a broad range of professions to achieve their objectives: as employees at U.S. firms, students and researchers at universities, and scientists at national laboratories.” In November, the White House released an insider threat policy calling on all agencies to develop programs to thwart internal threats, including espionage, violent

acts against the government, and unauthorized disclosures of classified information and sensitive data on government computer networks and systems. The policy was issued largely in response to the 2010 scandal in which Army Pfc. Bradley Manning stole and leaked large volumes of classified and sensitive materials to the website Wikileaks. "The increasing interconnection of classified systems and the flow of information across systems will increase the potential impact of compromises to the security of this information," the report noted. While progress has been made, considerable work remains to address gaps in implementing insider threat programs and removable media policies, according to the report. Specifically, agencies must improve security by identifying people who access classified data, use technical controls to limit what people can access on agency networks and improve auditing capabilities. More details on agencies' security gaps and vulnerabilities are outlined in a classified supplement to the 212-page report.

Non-malicious/Unintentional insider threats make up large portion of insider threats

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; "Unintentional Insider Threats: A Foundational Study"; Software Engineering Institute; Pg ix; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

A significant proportion of computer and organizational security professionals believe insider threat is the greatest risk to their enterprise, and more than 40% report that their greatest security concern is employees accidentally jeopardizing security through data leaks or similar errors.¹ This report examines the problem of unintentional insider threat (UIT) by developing an operational definition of UIT, reviewing relevant research to gain a better understanding of its causes and contributing factors, providing examples of UIT cases and the frequencies of UIT occurrences across several categories, and presenting initial thinking on potential mitigation strategies and countermeasures. Because this research topic has not been specifically studied, a major goal of this study is to inform government and industry stakeholders about the problem and its potential causes and to guide research and development (R&D) investments toward the highest priority R&D requirements for countering UIT.

Ext.

Human error lead to UIT incidents and are alt causes to UITs

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg x; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

A major part of the UIT definition is the failure in human performance. While human errors can never be eliminated completely, human error mitigation techniques can dramatically reduce errors induced by external influences. Such techniques should focus on system conditions that contributed to, or even made inevitable, the resulting errors and adverse outcomes. At the organizational level, we group these broad, external causal factors into four categories: • data flow—inadequate procedures or directions, poor communication • work setting—distractions, insufficient resources, poor management systems, inadequate security practices • work planning and control—job pressure; time factors; task difficulty; change in routine; poor task planning and management practice; lack of knowledge, skills, and ability • employee readiness—inattention, stress and anxiety, fatigue and boredom, illness and injury, drug and hormone side effects, values and attitudes, cognitive factors These systemic, distal contributing factors may lead to immediate proximal precursors to UIT incidents. These proximal precursors are human factors and performance indicators such as high subjective mental workload, lack of (or loss of) situation awareness, and mind wandering—each of which may increase the likelihood of human errors that lead to UIT incidents. Additionally, emotional states, both normal and abnormal, can affect the human error rate and UIT occurrences.

Alt Causes to unintentional insider threats –

1. Fatigue

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg 8; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

Implications: The relationship between fatigue and performance has been well established, and this research clearly has implications for cybersecurity performance and UIT. If employees within a computing environment are sleepy, whether from jet lag, shifts in circadian rhythm, low points in circadian rhythm, shift work (static or rotating), or sleep debt, they may exhibit decreased attentiveness and increased inappropriate responses to critical network security information.

2. Subjective mental workload

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg 8-9; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

For the purposes of this report, subjective mental workload is the personal feeling of being cognitively burdened by the work experience. The underpinnings of the relationship between subjective mental workload and human error come from the Yerkes-Dodson Law [Yerkes 1908], CMU/SEI-2013-TN-022 | 9 which describes the relationship between arousal and performance as an inverse parabola. At the extreme low and high arousal levels, performance decrements occur. As arousal increases, performance increases until a maximum is reached and then begins to decline. Hence, an optimal level of arousal and stress are required for optimal performance with low error rates. The physiological stress response follows the same pattern [Lupien 2007]. It should be noted that not all people experience the same levels of subjective mental workload given a particular work load pressure [Crosby 1979, Damos 1978]; the experience of mental workload depends on the individual.

Subjective mental workload has also been described in terms of stress [Huey 1993, Ch. 2], and stress has been associated with human error in several ways. Stress narrows attention [Houston 1969, Stokes 1994] such that peripheral information is less likely to be attended to in high-stress situations [Weltman 1971]. Also, stress reduces working memory capacity such that less information can be held in memory at one point in time [Davies 1982, Hockey 1986, Wachtel 1968]. Finally, stress is correlated with higher incidents of perseveration [Zakay 1993]—the repeated execution of plans that have been used in the past regardless of their past effectiveness. In other words, a stressed person will continue to execute the same action in the same context but expect a different outcome [Shanteau 1993, pp. 293-308], which also adversely impacts effective decision making [Woods 1994]. When subjective mental workload is excessive, people may lower the threshold of acceptable performance such that performance degrades, find less demanding and more efficient ways to perform the same tasks, strategically not perform certain tasks (e.g., lower priority tasks), or not perform critical tasks [Hart 1990].

3. Situational Awareness

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg 9-10; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

SA is a state of knowledge about a given environment [Endsley 2000, Ch. 1]. A variety of factors can affect the process of building SA and, as a consequence, its accuracy. Generally, effective decision making to reduce error rates is predicated on having good SA [Rodgers 2000], though exceptions to this guideline exist [Endsley 2000, Ch. 1]. Human error correlates to poor SA rather than to poor decision making [Hartel 1989, Endsley 1995, Endsley 1999], though decision making requires SA. The appropriate amount of SA, rather than the maximum possible amount, is required for good decision making because operators can remember only a finite amount of information at any given time [Smith 1995]. To best utilize their finite memory and make critical, timely decisions in a dynamic environment, operators must perceive and attend to certain information and exclude irrelevant information [Prince 2000]. The relationship between SA and human error has traditionally been studied in aviation. In the study of operational errors made by air traffic controllers, 71% of the errors involved Level 1 SA (e.g., failure to perceive relevant information because of distracting tasks,

memory burdens, and misperceptions), 21.4% involved Level 2 SA (e.g., inability to comprehend system status), and CMU/SEI-2013-TN-022 | 10 28.6% involved Level 3 (e.g., over-projection of current trends that led to inaccurate future projections) [Endsley 1998]. Another study reviewed case studies of major airline accidents and found that in dynamic environments, information needed to improve SA was not being attended to even though checklists instructed pilots to review instrumentation panels to get information needed for good SA [Rodgers 2000]. Implications: In the computing world, incorrect or incomplete SA at any given time may result in human error that causes system failures, potentially increasing organizational risk. Employees must keep abreast of the latest attack vectors. Failure to perceive a phishing campaign (e.g., failure in Level 1 SA) may lead to failures to maintain network security.

4. Mind Wandering

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg 10; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

Mind wandering has been defined as the process by which our attention is decoupled from the immediate task context, which makes us become absent-minded [Smallwood 2006]. William James [James 1892] suggests that mind wandering occurs when the individual experiences a meandering string of thoughts, some of which may not be influenced by the exogenous world of stimuli at a given moment. Thus, an individual can mind-wander through a series of thoughts that may or may not be related to incidents occurring in the task environment. Cognitive processing and behavioral responses may be adversely affected by mind wandering. During subjective experiences of mind wandering, less attentional resources are available to dedicate to the task environment. Thus, attention to the exogenous world becomes decoupled from attention to conscious thought [Klinger 1978, Smallwood 2003a, Smallwood 2004, Smallwood 2007]. As a consequence of this decoupled state, the individual may develop a superficial representation of the environment [Smallwood 2006]. For example, mind wandering seems to reduce the encoding accuracy (i.e., the ability to create and store accurate human memories) of task-relevant information [Seibert 1991, Smallwood 2003, Smallwood 2007a, Smallwood 2008]. As a result, task-relevant memories are inaccurate [Smallwood 2003], which can compromise mental model building [Smallwood 2007a]. Similarly, off-task thinking has been related to response delays [Cheyne 2006, Smallwood 2007b], as well as higher rates of incorrect response execution [Smallwood 2007b]. Finally, the number of action slips—the execution of the wrong behavior when performing an automated task—increases during mind wandering [Broadbent 1982], as does the number of errors of commission, or the execution of the wrong behavior when the task requires controlled processing [Cheyne 2006, Helton 2009].

Greatest threat of enterprise is insider threats from human error

Bluckley et. al No Date, (Oliver Buckley, Jason R C Nurse, Philip A Legg, Michael Goldsmith, Sadie Crease; Cyber Security Centre, Department of Computer Science, University of Oxford; “Reflecting on the Ability of Enterprise Security Policy to Address Accidental Insider Threat”; No Date but article cites other articles from 2014; http://www.cs.ox.ac.uk/files/6596/accidental_insider.pdf)/HB

The security of an organisation has always been considered to be a constantly evolving challenge. Traditionally the emphasis has been placed on ensuring that an enterprise was guarded against external threats, using perimeter defences such as firewalls and layered security mechanisms. However, the current reality is that there is a far greater threat posed from those within the organisation. This is

especially true from unwitting employees that through human error, oversight, or the poor design of the security controls, they are expected to use, pose a threat to their enterprise (commonly known as the accidental or unintentional insider threat). This is an issue that has long been recognised as needing to be addressed by the research community, with recent evidence being reported by PricewaterhouseCoopers and the Department for Business Innovation & Skills [1].

Human error and nonmalicious deviations make up UITs

CERT 13 (CERT Insider Threat Team; Produced for Department of Homeland Security, Federal Infrastructure Protection Bureau; “Unintentional Insider Threats: A Foundational Study”; Software Engineering Institute; Pg 18; August 2013; <http://www.sei.cmu.edu/reports/13tn022.pdf>)/HB

We have described many contributing factors to human error, risk tolerance, and decision making that are relevant to UIT. Most of the factors having to do with human performance, human error, risk behavior, and judgment may be considered proximal factors that, in turn, are also influenced by other more deeply seated organizational and human factors. As we have noted, human error is intimately related to UIT incidents, but a more complete understanding of UIT and its causal factors requires examination of deeper organizational or systemic factors that make errors and lapses more likely and perhaps exacerbate the effects of cognitive biases. UIT errors or lapses, like errors in general, may be classified as follows:

- unintentional acts (“I didn’t mean to do that.”)
- unintentional failures to act (“I forgot to do that.”)
- intentional but incorrect acts (“I thought that’s what I was supposed to do.”)
- intentional but incorrect failures to act (“I didn’t think I was supposed to do that.”)

Arguably, a significant proportion of UIT incidents may result from deliberate but nonmalicious deviations from required policies and practices; these are typically referred to as breaches. Lack of good judgment or carelessness (i.e., negligence) is the characteristic feature of acts that increase the potential for a breach. The related fields of human factors and safety have a substantial body of evidence regarding the identifying factors of human error. The current view of human error compels us to examine not only proximal causal factors but also more deep-seated (distal) factors underlying human errors. Distal factors have been organized into a taxonomy comprising four categories of error or breach precursors [Pond 2003]:

- data flow—inadequate procedures/directions, poor communication
- work setting—distractions, insufficient resources, poor management systems, inadequate security practices
- work planning/control—job pressure, time factors, task difficulty, change in routine, poor task planning or management practice, lack of knowledge/skills/ability

- employee readiness—inattention, stress and anxiety, fatigue and boredom, illness and injury, drug and hormone side effects, values and attitudes, cognitive factors (misperception, memory, judgment)

Ptix

Politics

Plan Popular

WPEA support proves congress supports congressional protections for whistleblowers

Becker 14

(Emily, J.D. cum laude, Harvard Law School, "Calling Foul: Deficiencies in Approaches to Environmental Whistleblowers and Suggested Reforms," 6 Wash. & Lee J. Energy, Climate & Env't. 65pg online @ [//um-ef](http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1085&context=jecce))

Though Fardin Oliaei's story does not have a happy ending, there is hope that things can and will change. President Obama signed into law the Whistleblower Protection Enhancement Act of 2012 (WPEA), after it received the vote of every single member of the 112th Congress.¹²³ Though this law only applies to federal employees and does not change the legal protections offered to most environmental whistleblowers, it significantly expands protections for the workers it does cover.¹²⁴ After the bill passed the House, Tom Devine, legal counsel for the Government Accountability Project, stated that the whistleblower rights in this bill are the strongest in history for federal workers.¹²⁵ The unanimous passage of the law suggests that American lawmakers value whistleblowers and are willing to take steps to ensure that they are protected. Rep. Darrell Issa (R-Calif.) supported passage of the WPEA and he hoped that it "sent a clear message to those who help us protect the American people and their hard-earned tax dollars: [w]e stand beside you."¹²⁶ Hopefully, lawmakers will send a similar message to environmental whistleblowers by expanding protections available to them.

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2AC

Shift in congressional attitudes – they'll support the plan

Make it Safe Coalition 14

("Victory for Whistleblower Rights," pg online @ <http://www.makeitsafecampaign.org/victory-for-whistleblower-rights/> //um-ef)

The Food and Drug Administration (FDA) chief operating officer declared that the agency's new guidelines for e-mail monitoring will protect the rights of whistleblowers in order to communicate concerns to Congress and other entities of relevance. In past occasions, the FDA carried out an invasive investigation of five scientists believed to be communicating with congress about public health and safety threats. In a House Oversight and Government Reform Committee hearing, the FDA deputy commissioner testified: "We don't consider whistleblowers outsiders ... We consider them part of our staff." His comments were received with skepticism from committee members who could not forget the FDA's intolerance towards legitimate concerns that should have been reported to authorities. Although the FDA claimed it's monitoring of the scientists was warranted, it does not change the fact that the scope of their investigation was illegal. The FDA did not have any limits on what they were collecting, thus compromising their employees' privacy and right to make protected disclosures to congress. This hearing is a partial victory for whistleblowers. The fact that Congressional members are defending the privacy rights of federal whistleblowers underscores the importance of their disclosures. On the flip side, the FDA knows that whistleblowers can interfere with inconvenient truths that it may not want to let surface, and the agency may increase efforts to silence them. Fortunately, the Whistleblower Protection Enhancement Act has strengthened protections against retaliation and whistleblowers are more empowered to speak truth to power. Further, the NSA domestic surveillance scandal has sparked a conversation in favor of whistleblowers. Members of Congress are noticing a change in people's mentality towards whistleblower rights, and as representatives of the peoples' will, they are also changing their attitudes.

Plan has bipartisan support—the Whistleblower Protection Enhancement Act proves

Union of Concerned Scientists no date (Union of Concerned Scientists, a nonprofit science advocacy organization based in the United States that includes many private citizens and professional scientists "Protecting Scientist Whistleblowers" www.ucsusa.org/our-work/center-science-and-democracy/protecting-scientists-harassment/protect-scientist.html#.VZxJlvViko , cayla_)

Whistleblower Protections for Federal Employees Federal employees who expose lax oversight of drugs at the Food and Drug Administration, cozy relationships between FAA inspectors and certain airlines, hundreds of billions of dollars in knowing "underestimates" for the cost of prescription drug coverage, and billions of dollars wasted in no-bid defense contracts are critical to protecting public health, safety, fiscal accountability, and the foundations of our democracy. The Problem When a federal employee steps forward to protect the public from harm, that worker is often harassed, demoted or fired. Over the years, court decisions have eroded whistleblower protection laws, rendering them largely ineffective. Furthermore, the ability of employees to report waste, fraud, and abuse depends greatly on Executive Branch leadership. The situation is even worse for federal scientists because whistleblower protection laws have not specifically addressed situations where federal scientists expose attempts to distort or suppress federal research or technical information. Federal employees should not have to choose between their integrity and their jobs. For the good of the American public, Congress must act to provide federal workers with these strong, comprehensive whistleblower protections they deserve. The Whistleblower Protection Enhancement Act The Senate's unanimous approval of comprehensive bipartisan whistleblower legislation comes after a decade-long effort to protect the federal employees who risk their careers to protect the rest of us. UCS urges the House to quickly pass the bill to make it law

this year so we don't need to begin the process all over again in January. The Whistleblower Protection Enhancement Act (S. 372) makes significant progress in giving millions of federal workers the rights they need to fully serve the public interest. It restores best practice free speech rights by overturning years of flawed judicial and administrative decisions that had left current whistleblower law in tatters and federal workers unprotected. More Information Of the nearly 5,100 federal scientists working across ten federal agencies who responded to UCS questionnaires in recent years, more than 1,900 federal scientists said they feared retaliation for discussing their agencies' mission-driven work. Their fears are warranted. Consider these emblematic anecdotes: In 2006, Rosemary Johann-Liang, a high-ranking Food and Drug Administration (FDA) scientist, recommended that the label for the diabetes drug Avandia include a strong warning that the drug could cause heart problems. She was reprimanded by FDA managers, who transferred the Avandia safety review supervisor job to her boss. Johann-Liang was vindicated in May 2007, when the New England Journal of Medicine raised similar concerns about Avandia, and the FDA finally requested the warning label. Johann-Liang, however, ended up leaving the agency.

AT: Terror D.A

1. Case outweighs and turns D.A- we help undermine terror groups such as ISIS- That's Byman 15 from the 1ac

2. Empirically false – 215 program once temporarily ENDED. That didn't cause the disad – neither will the Aff.

3. Link Biased- It is directly from James Clapper- Lol, of course he would advocate for his own program

**4. U.S Currently Losing the War on terror
Miller '15**

Internally quoting Director of National Intelligence James R. Clapper Jr. - Greg Miller - Intelligence reporter for the Washington Post; former national security correspondent for the Los Angeles Times and co-author of *The Interrogators: Inside the Secret War against al Qaeda* - "In campaign against terrorism, U.S. enters period of pessimism and gloom" – Washington Post - March 7 - http://www.washingtonpost.com/world/national-security/in-campaign-against-terrorism-us-enters-period-of-pessimism-and-gloom/2015/03/07/ca980380-c1bc-11e4-ad5c-3b8ce89f1b89_story.html

In congressional testimony recently, Director of National Intelligence James R. Clapper Jr. went beyond the usual litany of threats to say that **terrorism trend lines were worse "than at any other point in history."** Maj. Gen. Michael Nagata, commander of U.S. Special Operations forces in the Middle East, told participants on a counterterrorism strategy call that he regarded the Islamic State as a greater menace than al-Qaeda ever was. Speaking at a New York police terrorism conference, Michael Morell, former deputy director of the CIA, said he had come to doubt that he would live to see the end of al-Qaeda and its spawn. "This is long term," he said. "My children's generation and my grandchildren's generation will still be fighting this fight." **The assessments reflect a pessimism that has descended on the U.S. counterterrorism community over the past year amid a series of discouraging developments. Among them are the growth of the Islamic State** the ongoing influx of foreign fighters into Syria, the **collapse of the U.S.-backed government in Yemen and the downward spiral of Libya's** security situation. The latest complication came Saturday, when the terrorist group Boko Haram in Nigeria carried out a series of suicide bombings and reportedly declared its allegiance to the Islamic State. Unlike the waves of anxiety that accompanied the emergence of new terrorist plots over the past decade, the latest shift in mood seems more deep-seated. U.S. officials depict a bewildering landscape in which al-Qaeda and the brand of Islamist militancy it inspired have not only survived 14 years of intense counterterrorism operations but have also spread. Officials emphasize that their campaign has accomplished critical goals. In particular, most officials and experts now see the risk of a Sept. 11-scale attack as infinitesimal, beyond the reach of al-Qaeda and its scattered affiliates. Still, **the adjusted outlook contrasts sharply with the surge of optimism that followed the killing of Osama bin Laden** in 2011 and the dawn of the Arab Spring, which was initially seen as a political awakening across the Middle East that might render al-Qaeda and its archaic ideology irrelevant. Within months of bin Laden's death, then-Defense Secretary Leon E. Panetta said he was convinced "that we're within reach of strategically defeating al-Qaeda." President Obama echoed that view in subsequent years by saying that al-Qaeda was on "a path to defeat" and, more recently, that the then-nascent Islamic State was analogous to a junior varsity sports team. Such **upbeat characterizations have all but evaporated.**

5. Every dire terror warning has proven wrong. The government is oh-for-forty.

Timm 15 — Trevor Timm, Co-Founder and Executive Director of the Freedom of the Press Foundation, Columnist for the *Guardian* on privacy, free speech, and national security, former Activist and Writer with the Electronic Frontier Foundation, holds a J.D. from New York Law School and a B.A. in Political

Science from Northeastern University, 2015 (“Here’s how not to report on the US government’s terror warnings,” *Columbia Journalism Review*, July 10th, Available Online at http://www.cjr.org/analysis/heres_how_not_to_report_on_the_us_governments_terror_warnings.php, Accessed 07-12-2015)

If you turned on the television or checked your phone in the lead up to July 4th, it was almost impossible to miss the wall-to-wall coverage blaring ominous warnings from the US government: ISIS terrorists could strike Americans at any minute over the holiday weekend.

As it often is in such instances, the media’s reporting was breathless, hyperbolic, and barely contained a hint of skepticism. When nothing happened—as has been the case literally every time the government has issued these warnings in the past—there was no apparent self-reflection by these media outlets about how they could have tempered their coverage.

Instead, many doubled down by re-writing government press releases, claiming that arrests that happened well before July 4th, and in which the alleged criminals never mentioned the American holiday, are proof of “just how close” the US came to a terror attack over the holiday weekend.

During the Bush administration, terror alerts were issued with such frequency that they were widely derided and criticized—even by seasoned counter-terrorism experts. Now that ISIS has emerged, the Bush administration’s derided “color code system” is gone, but the willingness of the media to immediately buy into the idea that the public should be freaking out is still alive and well. The last two years have seen the media become much more skeptical of government surveillance powers. Yet when the terror alert flashes, they revert right back to their old ways.

Last weekend’s coverage was a case study in rash judgment. All the caveats issued with the warning’s release were hardly noticeable, downplayed and buried in the middle of the articles, sandwiched in-between urgent calls for caution from various government agencies.

There will soon be a next time; the government will issue a warning, and the media will inevitably jump. When it does, the first rule of reporting should be to determine whether the alerts are based on anything at all and to put that information in the lede. Authorities flatly acknowledged two weeks ago that they have no “credible” or “specific” information that any attacks will occur, but that barely registered in the media’s coverage.

CBS News waited until the sixth paragraph in one of their main articles on the subject to tell its readers of the mitigating information. USA Today also stuck the phrase in the middle of its sixth paragraph and never returned to it. CNN, with a finely honed talent for siren headlines, didn’t disclose this information until their 10th paragraph.

NBC News, though, was the most brazen. They told readers that authorities “are unaware of any specific or credible threat inside the country” in the 7th paragraph, quickly followed by a qualifier that could not contain more hyperbole if they tried: “But the dangers are more complex and unpredictable than ever.” Really? Apparently the dangers are more complex and unpredictable than ever if you ignore the fact that terrorism attacks in the US are close to all-time lows, and that Americans have generally never been safer.

[Graphic Omitted]

None of these major news stories mentioned that the US government had issued similar terrorism warnings that generated alarming headlines at least forty times since 9/11. As FAIR's Adam Johnson detailed, all forty times nothing happened. If news organizations are going to list all the reasons readers should be scared, they should at least attempt to note the reasons that they probably shouldn't be.

6. No link – targeted warrants, which plan allows, solve the terror disad just as well.

7. New USA Freedom Act n/u the DA

8. Bioterror risk is low and wouldn't kill many people anyway.

Keller 13

(Rebecca, 7 March 2013, Analyst at Stratfor, "Bioterrorism and the Pandemic Potential," Stratfor, <http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential>)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

9. Adopt reasonability- on impacts- toddlers with guns have killed more people than terrorism in the past decade

AT: Wyden Counterplan

Perm do both- they're not mutually exclusive

Conditionality is bad and a voting issue – even if we don't win that this instance is bad, potential abuse shapes fairness and education, means we win on this alone.

A) Time Skew- any arguments in the CP or K that the neg dislikes, they can kick out of

B) Strat Skew-abusive because the Aff can't change it's aff midround

C) Fairness- the neg can read as many CP'S as they have time for and wait for the aff to undercover one, then drop everything else

D) Argumentative irresponsibility – being able to kick arguments with no cost leads to unethical stances and poor advocacy. That turns all their education arguments

This CP- Is specific to bulk data collection- not insider threats-

The counterplan won't result in legislative action — empirically proven.

Lupo 14 — Lindsey Lupo, Professor of Political Science at Point Loma Nazarene University, holds a Ph.D. in Political Science from the University of California-Irvine, 2014 (“What Happened to the 9/11 Commission? What a Century of Riot Commissions Teaches us about America’s Dependence on Independent Commissions,” *Ralph Bunche Journal of Public Affairs*, Volume 3, Issue 1, Available Online at <http://digitalscholarship.tsu.edu/cgi/viewcontent.cgi?article=1002&context=rbjpa>, Accessed 07-10-2015, p. 22)

But, what is the efficacy of these independent commissions? Herein lies the puzzle - they are at once incredibly ineffective and effective. As problem-solving entities that affect real change in the political system, they are ineffective, as evidenced by the 9/11 Commission’s own self-issued failing report card on progress. One woman widowed by the 9/11 attacks expressed her disappointment: “If you were to tell me that two years after the murder of my husband on live television that we wouldn't have one question answered, I wouldn't believe it” (Breitweiser 2003). However, as mechanisms of evasion that allow the government to delay action or elude responsibility altogether, they are incredibly effective. Both sides of this paradox are harmful to the basic function of democracy, a system of government reliant on government responsiveness. Indeed, the U.S. government continues to depend on independent commissions to provide answers and presumably affect change, but neither is the typical outcome of these commissions. Even if some clarity does emerge, it is often ignored. It has been over two hundred years since Washington’s commission on the Whiskey Rebellion and during that time,

policy change through independent commissions has been **rare or non-existent**. Why then does the American public continue to be comforted and satiated when the government appoints a commission?

Double-bind: *either* existing committees solve.

Sledge 14 — Matt Sledge, Reporter for *The Huffington Post*, 2014 ("John McCain Wants A Special NSA Committee, And Dianne Feinstein Isn't Too Happy About That," *The Huffington Post*, February 5th, Available Online at http://www.huffingtonpost.com/2014/02/05/john-mccain-nsa-committee_n_4732759.html, Accessed 07-08-2015)

Sen. Dianne Feinstein (D-Calif.), who chairs the Intelligence Committee, threw cold water on McCain's idea.

"There is no need for a select committee to review the Snowden leaks or NSA collection," Feinstein told HuffPost in a statement Wednesday. "The Senate Intelligence Committee has conducted and continues to conduct thorough oversight of all intelligence collection activities by the National Security Agency and other intelligence agencies."

OR — if existing committees fail, so will the counterplan.

Sledge 13 — Matt Sledge, Reporter for *The Huffington Post*, 2013 ("NSA Spying Sparks Calls For New Senate Church Committee," *The Huffington Post*, November 7th, Available Online at http://www.huffingtonpost.com/2013/11/06/nsa-senate-church-committee_n_4228614.html, Accessed 07-08-2015)

Another Church Committee member -- former Sen. Gary Hart (D-Colo.) -- told HuffPost he did not think much of McCain's call for a new select committee.

"It seems to me that Senator McCain is in a way scoring political points here," Hart said. "He's poking the Senate Intelligence Committee in the eye.

"If established committees are not doing their job for whatever reason ... you don't layer on top another committee, that is to compound the problems of congressional oversight," Hart said. Instead, he suggested reforms like "reconstituting" the committees with new members and imposing term limits on committee memberships to prevent so-called agency capture.

Links To Politics- The counterplan saps political capital.

Dalal 14 — Anjali S. Dalal, Resident Fellow of the Information Society Project at Yale Law School, holds a J.D. from Yale Law School and a B.A. in Philosophy and B.S. in Economics from the University of Pennsylvania, 2014 ("Shadow Administrative Constitutionalism And The Creation Of Surveillance Culture," *Michigan State Law Review* (2014 Mich. St. L. Rev. 59), Available Online to Subscribing Institutions via Lexis-Nexis)

The solution to a lack of congressional oversight is conceptually easy but practically difficult. It requires Congress to pass legislation governing the FBI and regularly exercise its statutory oversight authority, both of which require significant political capital and effort. However, the Snowden scandal may have created the momentum necessary to motivate congressional action in this area. Senator Ron Wyden recently echoed this sentiment while imploring his colleagues to act stating, "If we do not seize this

unique moment in out [sic] constitutional history to reform our surveillance laws and practices we are all going to live to regret it." n337

Links to Terror—still triggers the perception link seen as going soft on terrorism

AT: ITP D.A

1. Case Turns & Outweighs the disad- Our Lange 13 evidence says it doesn't work at all, means we actually catch more insiders, case solves that disad

2. Congressional leaks non-unique their DA

Ackerman 12 – Danger Room senior reporter [Spencer Ackerman, “5 Ways to Stop National Security Leaks (But Do You Really Want To?)” *Wired*, 07.09.12. 07.09.12, pg. <http://tinyurl.com/qjttdnm>

And it's not just legislators: The Justice Department has opened two investigations to hunt the leakers, consistent with Obama's record of prosecuting more officials for leaking than any previous administration. But the politicians don't want to wait for the prosecutors to finish their inquiries. The leaders of the House and Senate intelligence committees propose to make administration officials inform Congress before holding background briefings for reporters; and to consolidate the press shops within the spy agencies. Those moves may be contained in the annual intelligence funding bill that Congress will soon consider

Just one problem: they won't do a thing to stop leaks. They'll make it harder for regular reporters to do their jobs. And, not coincidentally, they'll ignore a big source of the leaks — Congress itself.

Take it from a reporter who occasionally finds himself on the receiving end of a leak. In Washington, leaks both profound and innocuous spout forth from offices both famous (the White House) and obscure (the principal deputy assistant secretary of whatever), regardless of how the officeholder proclaims to be angered and horrified by the leaking. There are, however, ways to sharply limit the leaks. But politicians, appointees, journalists and citizens might not like their implications.

There are many questions to ask about how much damage leaks pose to national security and how that balances with the need for an informed citizenry in a democratic society. For the sake of consistency, I'm going to ask none of them. One person's leak is another's enterprising journalism; one person's damage to national security is another's policy preference. This is merely an exploration of what is probably necessary to force Washington professionals to shut up. Decide for yourself if it's worth it.

Ban Alcohol

Washington is lubricated by happy hours. Young, underpaid journalists go to snag a dinner's worth of finger food and drinks for cheap; experienced ones go to them out of routine. Politicians, staffers and appointees go to better understand their frenemies in the press. They occur in cigar bars and dive bars; in the city and in the suburbs; in events convened by swank institutions and those spread via e-mail chains and social media. And to be clear, drinking is merely the pretext.

The actual point is to obtain and disseminate information. As the D.C. cliché goes, information is currency. And currency depends on asymmetry: Someone has more of it than another, so a barter proceeds. Usually the person who can hold his or her liquor gets the better of the transaction — regardless of who actually knows the most.

Now: You're rarely going to get a very knowledgeable official keyed into a vital military project or clandestine enterprise to divulge the whole thing because he made the mistake of reaching for the third Knob Creek. Most leaks don't work like that. A better metaphor for a national-security disclosure would be a mosaic: Someone might give you one tile, but you have to find the others for yourself. During happy hours, an enterprising reporter is likely to learn about a new tile, or get a clue about where to find one. If you want to keep the mosaic hidden, step one is to keep your staff away from the bottle. And D.C. has many bottles.

Change the Political Incentives

McKeon began his denouncement of leaks on June 21 during a breakfast chat with reporters by suggesting that President Obama knew about or authorized the recent spate of leaks. He backed down under questioning and admitted he didn't have any evidence for the proposition. But he raised a critical point: Leaks happen because, in most cases, they benefit someone politically. (I know you're shocked to read that.)

It's not crazy to think that someone leaked word of the cyber-sabotage "Olympic Games," including Stuxnet, aimed at attacking Iran's nuclear program, because s/he thought it would make Obama look tough ahead of the fall election. After all, the story makes Obama look like he's keeping Iran from getting an a-bomb without embroiling America in a full-scale war. A similar political benefit was at stake when New York Times reporters heard about a (bogus) shipment of aluminum tubes for nuclear centrifuges en route for Saddam Hussein's Iraq.

That's not to say that Presidents Obama or Bush wanted the information leaked. It's just to recognize that someone could easily have thought s/he was doing the boss a favor, whether or not the leak actually helped.

That's often the incentive structure at work here. Most attempts at plugging leaks take aim at the supply side of the problem — the people holding the secrets. But that fails to recognize there's a demand that might be more powerful — the political benefits that come from a secret finding its way into the information bloodstream, towards an approving public. Addressing that side of the problem is hard. There's no obvious way you can make it disadvantageous for a politician to have certain information leak out. (It depends on the politician and the information.) Most politicians, and especially their staffers, have a pretty good understanding of what's in their best interest.

Heightened media scrutiny of leakers might be one way to change the incentive structure. But reporters like me also benefit from publishing leaks — at least until Attorney General Eric Holder tries to prosecute us — and we're in competition with one another to obtain new information. Difficult problem to solve.

Blame Congress

Congress's leading proposals for stopping leaks involve forcing administration officials to inform Congress about background briefings and consolidating the press operations of intelligence agencies. Notice how they have something in common: They leave Congress alone.

It won't burn any sources of mine to inform you that the sources of national security leaks are very often members of and staffers for the Congressional committees that handle national security. Remember

what I wrote above about leaks occurring when there's a political interest to be served? There are more politicians on Capitol Hill than in the White House or in federal agencies. Leaking is a bipartisan endeavor. Any Washington journalist who doesn't exploit this is professionally lax.

4. Terrorist knowledge doesn't mean terrorist acquisition of knowledge

5. No evidence that monitoring is effective — program goes overboard

RT News 13 — Russia Today News, Russia state-funded television network directed to audiences outside the Russian Federation, 2013 ("Obama administration urges federal employees to spy on each other to avoid leaks," RT News, July 10th, Available online at <http://rt.com/usa/obama-insider-threat-leaks-905/>, accessed 7/6/2015, J.L.)

President Barack Obama has asked that federal agencies launch an unprecedented campaign requiring government workers to monitor the behavior of their colleagues and report potential leakers under the threat of prosecution. McClatchy reporters Jonathan Landay and Marisa Taylor wrote Tuesday that the "Insider Threat" program mandated by Pres. Obama utilizes methods that, while meant to identify security threats from within, actually provoke co-workers to spy on one another. The program is unprecedented in scope and hopes to prevent future instances where government secrets are spilled. According to a new report, however, the Insider Threat initiative and the techniques utilized by the agencies involved are not proven to work. Insider Threat was authorized in October 2011 after Army Private first class Bradley Manning sent classified intelligence to the website WikiLeaks, an action that government prosecutors argued in court this week aided al-Qaeda by indirectly providing them with secret documents. Through the program, employees are asked to monitor the behavior of their peers, and could face hefty penalties if they fail to alert higher-ups of a potential breach. Specifically, the Insider Threat program asks that officials within the ranks of federal agencies spanning all sectors of the government adopt behavioral profiling techniques that ideally would alert higher-ups of a subordinate interested in leaking intelligence. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education have all been asked to watch out for "high-risk persons or behaviors" among co-workers under the program, and if "indicators of insider threat behavior" are brought to attention, officials within those agencies are expected to investigate in order to curb the likelihood of another Pfc. Manning. Research conducted by McClatchy reporters combined with expert interviews suggest those efforts are futile, though, and aren't proven to work. Gene Barlow, a spokesman for the Office of the National Counterintelligence Executive, told McClatchy that "the awareness effort of the program is to teach people not only what types of activity to report, but how to report it and why it is so important to report it." So far, though, that method hasn't been proven to actually put potential leakers out of work. According to McClatchy, the "indicators" that federal employees are told to monitor include stress, relationship issues, financial problems, odd work hours and random traveling. "It simply educates employees about basic activities or behavior that might suggest a person is up to improper activity," Barlow told reporters. On the website for his agency's Insider Threat program, the Office claims that employees may be lured to "betray their nation for ideological reasons, a lust for money or sex, or through blackmail," and cites threats from

within as “the top counterintelligence challenge to our community.” Barlow also stressed that the policy “does not mandate” employees to report behavior indicators, but McClatchy reporters noted that failing to act could land an eyewitness with harsh penalties, including criminal charges. According to a 2008 National Research Council study, however, analyzing these indicators do not necessarily signal that one agent may be up to no good. “There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all,” the study concluded. “We have not found any silver bullets,” added Deana Caputo, a behavioral scientist at MITRE Corp., which assists several US agencies with their insider threat efforts. “We don’t have actually any really good profiles or pictures of a bad guy, a good guy gone bad or even the bad guy walking in to do bad things from the very beginning.” Investigative journalist Dave Lindorff spoke with RT regarding the “Insider Threat” program, saying that it is neither focused on safeguarding national security, nor a good way to run government. “It’s a completely inefficient way to run a government bureaucracy. And the worst thing about it is it’s got nothing to do with national security, because they’re talking about every department of the government. The Department of Labor, the Food and Drug Administration, the Health Department. All of these that have nothing to do with national security, he’s telling people to rat out their neighbors, their coworkers if they think that they’re doing something wrong,” says Lindorff, which will also dissuade good staff from pursuing government work. “Let’s be clear about this, it’s not about national security, it’s about preventing people from telling the truth about problems with government, about corruption, about failed policies and so on. What it really is... is the Obama administration has gone beyond even the Nixon administration in its fears of leaks, and its efforts to control the story. It’s trying to prevent the press from getting access to people inside the government ... so that all they get is public relations handouts,” adds Lindorff.

6. Ineffective — Snowden leaks and empirics prove

Taylor & Landay 13 — Marisa Taylor, Digital News Producer at Al Jazeera Media Network & Columbia University Graduate of journalism and Jonathan Landay, National Security Correspondent, 2013 (“Obama’s crackdown views leaks as aiding enemies of U.S,” McClatchy DC, June 20th, Available online at <http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html> , accessed 7/6/2015, J.L.)

There are, however, signs of problems with the program. Even though it severely restricts the use of removable storage devices on classified networks, Snowden, the former NSA contractor who revealed the agency’s telephone data collection operations, used a thumb drive to acquire the documents he leaked to two newspapers. “Nothing that’s been done in the past two years stopped Snowden, and so that fact alone casts a shadow over this whole endeavor,” said Steven Aftergood, director of the non-profit Federation of American Scientists’ Project on Government Secrecy. “Whatever they’ve done is apparently inadequate.” U.S. history is replete with cases in which federal agencies missed signs that trusted officials and military officers were stealing secrets. The CIA, for example, failed for some time to uncover Aldrich Ames, a senior officer who was one of the most prolific Soviet spies in U.S. history, despite polygraphs, drunkenness, and sudden and unexplained wealth. Stopping a spy or a leaker has become even more difficult as the government continues to accumulate information in vast computer databases and has increased the number of people granted access to classified material to nearly 5 million.

7. Its specific to the NSA_ Our program is more than just that

8. No negative impact to leaks and leaks good

The Post 13 — Editorial Board of the Washington Post, 2013 (“The government’s biggest secret,” The Washington Post, June 1, Available Online at http://www.washingtonpost.com/opinions/the-governments-biggest-secret/2013/06/01/c73de70a-ca2d-11e2-9f1a-1a7cdee20287_story.html, Accessed 7/8/15)

IN RECENT DAYS, President Obama and Attorney General Eric H. Holder Jr. have acknowledged that prosecutors may have overreached in two leak investigations which obtained phone call and e-mail records of journalists. It’s good to see them stepping back from the brink. As the president put it in his address at the National Defense University, a free press is essential to democracy, and “journalists should not be at legal risk for doing their jobs.”

Mr. Obama ordered a review of existing Justice Department internal guidelines on leak investigations, and Mr. Holder began holding consultations with editors. The guidelines were last approved in 1980, and a review is overdue. We hope it can clarify the government’s obligation to notify the news media in advance, if possible, when it seeks such sensitive items as phone records and e-mails.

Unfortunately, we need more than just a few tweaks to policy guidelines. The United States government faces a much larger and more profound problem with secrecy that undermines much of the debate about what should properly be kept quiet and what should not. That problem is simply that **too much information is classified.** Some 4.8 million people, both government employees and contractors, have access to classified material, labeled confidential, secret or top secret. **The colossal system has turned into a Hoover Dam blocking important information about government decisions.** In a report to Mr. Obama last November calling for reform, the Public Interest Declassification Board said current classification practices are “outmoded, unsustainable and keep too much information from the public.” One intelligence agency alone is accumulating a petabyte of classified records every 18 months — equivalent to 20 million four-drawer filing cabinets filled with text, the board found.

We endorse the need to keep some things under wraps, like intelligence sources and methods or ongoing operations, and we believe that laws and rules are the proper way to keep secrets. But very often, the only way important information reaches the American people is through leaks — by government employees, including very high-ranking officials, who discuss sensitive information with reporters because they believe **it is critical to understanding decisions,** or they want to influence those decisions. It’s essential not to criminalize this process; **more leak investigations will only serve to dry up the vital flow of information** PL;,.MUKN to reporters and the public. It seems out of whack that prosecutors are on the prowl for leakers yet the massive system of over classification lumbers on, unhindered. No one in Washington is ever punished for needlessly stamping “secret” on a document.

Consider this: The total number of nuclear warheads in the U.S. stockpile was declared a secret for many years. Then in 2010, the totals were disclosed through 2009. **Did the sky fall? No.** For a long time, the top-line budget number for the national and military intelligence programs were kept secret. Then they were disclosed. Did our spy agencies come apart at the seams? No. Is the United States more vulnerable after the president declassified details about the CIA drone killing in 2011 of Anwar al-Awlaki, a U.S. citizen working for Yemen-based al-Qaeda in the Arabian Peninsula? Hardly. Mr. Obama has pledged to

be a paragon of openness without risking national security. His record so far is quite mixed. He ought to focus on the big picture: How to restore respect to a dysfunctional system.

AT: Cuba Politics

1. Case Turns and outweighs the D.A- We solve Iran war- that's Byman 15

2. Cuba package won't pass – assumes PC – McConnell statements, congressional opposition, election fears with Cuban Americans, and public fear of human rights violations/communism

Cowan 7/12 {Richard, syndicated politics columnist, "Mitch McConnell Thinks Congress Will Block Obama's Efforts to Engage with Cuba," Reuters via the Huffington Post – Politics, 2015, http://www.huffingtonpost.com/2015/07/12/obama-cuba-relations_n_7780432.html#THUR}

The **top** U.S. Senate Republican said on Sunday that Congress is **likely to block any nominee** that President Barack Obama names as ambassador to Cuba and retain **broad economic sanctions, even as Obama moves to establish diplomatic and economic ties** with the Communist-run island. Senate Majority Leader Mitch McConnell, interviewed on the "Fox News Sunday" television program, said the Senate is **unlikely to confirm** any U.S. ambassador to Havana nominated by Obama. McConnell added, "There are sanctions that were imposed by Congress. I think the administration will have a **hard time getting those removed. This is a policy that there is substantial opposition to in Congress.**" Last December, Obama announced he would use his executive powers to move toward more normal relations with Cuba after a five-decade standoff. Those steps have included establishing diplomatic relations, an expansion of some travel from the United States to Cuba, increasing the limit on remittances to Cuban nationals from those living in the United States and expanding some trade in goods and services. But **it would be up to Congress to allow normal travel and full trade. Republicans control both the Senate and House** of Representatives. **Many Republican oppose Obama's moves toward better relations with Cuba, claiming they only bolster Cuba's communist leaders. Republicans also fear alienating Cuban Americans** in Florida **who** have fled the island nation and **are supporters of the Republican Party.** Obama charted a new U.S. path toward Cuba with the support of some Republicans, including freshman Senator Jeff Flake of Arizona. Obama said in March his moves were already paying dividends, saying that since December the Cuban government had begun discussing ways to reorganize its economy. **McConnell has been a consistent critic of Obama** on a range of foreign policy fronts, including Cuba and U.S. participation in multilateral nuclear talks with Iran. "This president has been involved in ... talking to a lot of countries: talk, talk, talk. And Cuba is a good example. He thinks that simply by engaging with them we get a positive result," McConnell said, adding, "I don't see any indication that Cubans are going to change their behavior." **Human rights advocates have admonished Cuba for abuses**, including arbitrary imprisonment of political opponents, **and Cuba's tight control of its economy also has been a lightning rod for criticism.**

NO Link- never said ITP isn't popular- It doesn't say all executive order links

3. Not intrinsic — a logical decision-maker should choose to enact he plan and Cuba. This is most real world.

4. Political capital doesn't exist and isn't key to their DA — more likely winners win

Michael **Hirsch 12**, chief correspondent for National Journal. He also contributes to 2012 Decoded. Hirsh previously served as the senior editor and national economics correspondent for Newsweek, based in its Washington bureau. He was also

Newsweek's Washington web editor and authored a weekly column for Newsweek.com, "The World from Washington." Earlier on, he was Newsweek's foreign editor, guiding its award-winning coverage of the September 11 attacks and the war on terror. He has done on-the-ground reporting in Iraq, Afghanistan, and other places around the world, and served as the Tokyo-based Asia Bureau Chief for Institutional Investor from 1992 to 1994. <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the **pundits will do what they always do** this time of year: They will **talk about** how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of **how much political capital Obama possesses to push his program through**. Most of **this talk will have no bearing on what actually happens** over the next four years. Consider this: **Three months ago** just before the November election, **if someone had talked seriously about** Obama having enough political **capital to oversee** passage of **both immigration reform and gun-control** legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—**this person would have been called crazy** and stripped of his pundit's license. (It doesn't exist, but it ought to.) **In his first term**, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. **Obama didn't dare to even bring up gun control**, a Democratic "third rail" that has cost the party elections and that actually might have been even less popular on the right than the president's health care law. **And yet, for reasons that have very little to do with Obama's personal prestige or popularity—variously put in terms of a "mandate" or "political capital"—chances are fair that both will now happen**. **What changed? In the case of gun control**, of course, it wasn't the election. It was the horror of the

20 first-graders who were slaughtered in **Newtown**, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: "Be bold." As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It's impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn't a few weeks ago. **Meanwhile**, the Republican members of the Senate's so-called Gang of Eight are pushing hard for a new spirit

of compromise on **immigration** reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would "self-deport." But this **turnaround has very little to do with Obama's personal influence**—his political mandate, as it were. **It has almost entirely to do**

with just two numbers: 71 and 27. That's 71 percent for Obama, 27 percent for Mitt Romney, **the** breakdown of the **Hispanic vote** in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the **movement on immigration has mainly come out of the**

Republican Party's recent introspection and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It's got nothing to do with Obama's political capital or, indeed, Obama at all. The point is not that "political capital" is a meaningless term. Often it is a synonym for "mandate" or "momentum" in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn't, he has a better claim on the country's mood and direction. Many pundits still defend political capital as a useful metaphor at least. "It's an unquantifiable but meaningful concept," says Norman Ornstein of the American Enterprise Institute. "You can't really look at a president and say he's got 37 ounces of political capital. But the fact is, it's a concept that matters, if you have popularity and some momentum on your side." The real problem is that **the idea of political capital—or mandates, or momentum—is so poorly defined**

that presidents and pundits often get it wrong. "Presidents usually over-estimate it," says George Edwards, a presidential scholar at Texas A&M University. "The best kind of political capital—some sense of

an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980." For that reason, political **capital** is a concept that misleads far more than it enlightens. It is distortionary. It **conveys** the idea **that we know more than we really do about the ever-elusive concept of political power**, and it discounts the way **unforeseen events can suddenly change everything**.

Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history. Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger. But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth

about Washington that is kindergarten simple: You just don't know what you can do until you try. Or as Ornstein himself once wrote years ago, "Winning wins." In theory, and in practice, **depending on Obama's handling of any particular issue, even in a polarized time he could still deliver on a lot of his second-term goals depending on his skill and the breaks**

Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass

legislation and run successful presidencies say that **political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it**. It can refer to a very abstract thing, like a president's popularity, but there's no mechanism there. That makes it kind of useless," says Richard

Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital**. The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he

wants, and he gets it, then each time that happens, it changes the calculus of the other actors. **Ornstein says: "If they think he's going to win, they may change positions to get on the winning side. It's a bandwagon effect."** ¶ ALL THE WAY WITH LBJ ¶ Sometimes, a clever practitioner of power can get more done just because he's

aggressive and knows the hallways of Congress well. Texas A&M's Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson's landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater's ineptitude as a candidate) was President Johnson's masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, *The Passage of Power*, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don't focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers' support for a tax cut and appropriations bills the president needed. "One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn't to expend it on this," Caro writes. (Coinage, of course, was just what political capital was called in those days.) Johnson replied, "Well, what the hell's the presidency for?" Johnson didn't worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, anti-poverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. "Momentum is not a mysterious mistress," LBJ said. "It is a controllable fact of political life." Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.) And then there are the presidents who get the politics, and the issues, wrong. It was the last president before Obama who was just starting a second term, George W. Bush, who really revived the claim of political capital, which he was very fond of wielding. Then Bush promptly demonstrated that he didn't fully understand the concept either. At his first news conference after his 2004 victory, a confident-sounding Bush declared, "I earned capital in the campaign, political capital, and now I intend to spend it. That's my style." The 43rd president threw all of his political capital at an overriding passion: the partial privatization of Social Security. He mounted a full-bore public-relations campaign that included town-hall meetings across the country. Bush failed utterly, of course. But the problem was not that he didn't have enough political capital. Yes, he may have overestimated his standing. Bush's margin over John Kerry was thin—helped along by a bumbling Kerry campaign that was almost the mirror image of Romney's gaffe-filled failure this time—but that was not the real mistake. The problem was that whatever credibility or stature Bush thought he had earned as a newly reelected president did nothing to make Social Security privatization a better idea in most people's eyes. Voters didn't trust the plan, and four years later, at the end of Bush's term, the stock-market collapse bore out the public's skepticism. Privatization just didn't have any momentum behind it, no matter who was pushing it or how much capital Bush spent to sell it. The mistake that Bush made with Social Security, says John Sides, an associate professor of political science at George Washington University and a well-followed political blogger, "was that just because he won an election, he thought he had a green light. But there was no sense of any kind of public urgency on Social Security reform. It's like he went into the garage where various Republican policy ideas were hanging up and picked one. I don't think Obama's going to make that mistake.... Bush decided he wanted to push a rock up a hill. He didn't understand how steep the

hill was. I think Obama has more momentum on his side because of the Republican Party's concerns about the Latino vote and the shooting at Newtown." Obama may also get his way on the debt ceiling, not because of his reelection, Sides says, but because Republicans are beginning to doubt whether taking a hard line on fiscal policy is a good idea, as the party suffers in the polls. ¶ THE REAL LIMITS ON POWER ¶ Presidents are limited in what they can do by time and attention span, of course, just as much as they are by electoral balances in the House and Senate. But this, too, has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn't realize that the national mood (yes, again, the national mood) was at a tipping point against big-government intervention, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country's mood. Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government's attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn't really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said. Weighing the imponderables of momentum, the often-mystical calculations about when the historic moment is ripe for an issue, will never be a science. It is mainly intuition, and its best practitioners have a long history in American politics. This is a tale told well in Steven Spielberg's hit movie Lincoln. Daniel Day-Lewis's Abraham Lincoln attempts a lot of behind-the-scenes vote-buying to win passage of the 13th Amendment, banning slavery, along with eloquent attempts to move people's hearts and minds. He appears to be using the political capital of his reelection and the turning of the tide in the Civil War. But it's clear that a surge of conscience, a sense of the changing times, has as much to do with the final vote as all the backroom horse-trading. "The reason I think the idea of political capital is kind of distorting is that it implies you have chips you can give out to people. It really oversimplifies why you elect politicians, or why they can do what Lincoln did," says Tommy Bruce, a former political consultant in Washington. Consider, as another example, the storied political career of President Franklin Roosevelt. Because the mood was ripe for dramatic change in the depths of the Great Depression, FDR was able to push an astonishing array of New Deal programs through a largely compliant Congress, assuming what some described as near-dictatorial powers. But in his second term, full of confidence because of a landslide victory in 1936 that brought in unprecedented Democratic majorities in the House and Senate, Roosevelt overreached with his infamous Court-packing proposal. All of a sudden, the political capital that experts thought was limitless disappeared. FDR's plan to expand the Supreme Court by putting in his judicial allies abruptly created an unanticipated wall of opposition from newly reunited Republicans and conservative Southern Democrats. FDR thus inadvertently handed back to Congress, especially to the Senate, the power and influence he had seized in his first term. Sure, Roosevelt had loads of popularity and momentum in 1937. He seemed to have a bank vault full of political capital. But, once again, a president simply chose to take on the wrong issue at the wrong time; this time, instead of most of the political interests in the country aligning his way, they opposed him. Roosevelt didn't fully recover until World War II, despite two more election victories. In terms of Obama's second-term agenda, what all these shifting tides of momentum and political calculation mean is this: Anything goes. Obama has no more elections to win, and he needs to worry only about the support he will have in the House and Senate after 2014. But if he picks issues that the country's mood will support—such as, perhaps, immigration reform and gun control—there is no reason to think he can't win far more victories than any of the careful calculators of political capital now believe is possible, including battles over tax reform and deficit reduction. Amid today's atmosphere of Republican self-doubt, a new, more mature Obama seems to be emerging, one who has his agenda clearly in mind and will ride the mood of the country more adroitly. If he can get some early wins—as he already has, apparently, on the fiscal cliff and the upper-income tax increase—that will create momentum, and one win may well lead to others. "Winning wins." Obama himself learned some hard lessons over the past four years about the futility of the political-capital concept. Despite his decisive victory over John McCain in 2008, he fumbled the selling of his \$787 billion stimulus plan by portraying himself naively as a "post-partisan" president who somehow had been given the electoral mandate to be all things to all people. So Obama tried to sell his stimulus as a long-term restructuring plan that would "lay the groundwork for long-term economic growth." The president thus fed GOP suspicions that he was just another big-government liberal. Had he understood better that the country was digging in against yet more government intervention and had sold the stimulus as what it mainly was—a giant shot of adrenalin to an economy with a stopped heart, a pure emergency measure—he might well have escaped the worst of the backlash. But by laying on ambitious programs, and following up quickly with his health care plan, he only sealed his reputation on the right as a closet socialist. After that, Obama's public posturing provoked automatic opposition from the GOP, no matter what he said. If the president put his personal imprimatur on any plan—from deficit reduction, to health care, to immigration reform—Republicans were virtually guaranteed to come out against it. But this year, when he sought to exploit the chastened GOP's newfound willingness to compromise on immigration, his approach was different. He seemed to understand that the Republicans needed to reclaim immigration reform as their own issue, and he was willing to let them have some credit. When he mounted his bully pulpit in Nevada, he delivered another new message as well: You Republicans don't have to listen to what I say anymore. And don't worry about who's got the political capital. Just take a hard look at where I'm saying this: in a state you were supposed to have won but lost because of the rising Hispanic vote. Obama was cleverly pointing the GOP toward conclusions that he knows it is already reaching on its own: if you, the Republicans, want to have any kind of a future in a vastly changed electoral map, you have no choice but to move. It's your choice.

5. Ideology more likely to have an impact on votes than PC

6. Iran thumps the DA – Obama pushing hard, it costs mad capital, and it's top of the docket

Kevin **Liptak**, 7/14/15, Kevin Liptak is the CNN White House Producer, "Now that he has a deal with Iran, Obama must face Congress," <http://www.cnn.com/2015/07/14/politics/iran-nuclear-deal-congress-obama-block/>

Washington (CNN)With a historic deal meant to curb Iran's nuclear ambitions in place, President Barack Obama has ticked off another legacy-making item on his checklist -- as long as Congress doesn't get in his way. ¶ Early Tuesday, Obama launched a sales pitch to lawmakers who remain deeply skeptical of the nuclear deal. But while Congress retains the ability to nullify Obama's accord with Tehran, the high bar for action on Capitol Hill -- including building veto-proof majorities in just over two months -- will make it difficult for opponents to block the President. ¶ In its most simplistic form, the deal means that in exchange for limits on its nuclear activities, Iran would get relief from sanctions while being allowed to continue its atomic program for peaceful purposes. Many of the more technical points of the deal weren't available Tuesday morning, and specifics could prove to be red flags for skeptical members of Congress, many of whom said they were still reviewing the specifics of the plan. ¶ Congress has 60 days to review the deal, and if it opposes it can pass a resolution of disapproval to block its implementation. The administration now has five days to certify the agreement and formally present the deal to Capitol Hill. The clock on that 60 day period will not start until the official document is delivered to Capitol Hill. ¶ The Republican controlled House has the votes to pass a resolution, but in the Senate Republicans would need to attract support from a half a dozen Democrats. ¶ Because President Obama has already pledged to veto any bill to block the deal GOP leaders would need to convince enough Democrats to join with them to override his veto -- a heavy lift. How the public views the deal will be critical, as Members of Congress will be back home for several weeks this summer before any vote. ¶ While Obama on Tuesday

said he welcomed a **"robust" debate** over the deal's merits, he issued a warning to lawmakers considering blocking the agreement, bluntly **threatening to veto any measure that would prevent the deal from going into effect.** ¶ "Precisely because the stakes are so high, this is not the time for politics," he said in an address from the White House. **"Tough talk from Washington does not solve problems. Hard nosed diplomacy, leadership that has united the world's major powers, offers a more effective way of verifying Iran is not pursuing a nuclear weapon."** ¶ Like the completion earlier this month of a diplomatic renewal with Cuba, the deal with Iran provides Obama a tentative foreign policy achievement in the final year-and-a-half of his presidency. Both are built on the premise of engaging traditional U.S. foes, a vow Obama made at the very beginning of his presidency when he declared to hostile nations the United States would "extend a hand if you are willing to unclench your fist." ¶ The deal -- which was finalized after almost two years of talks -- provides vindication for an administration that's sought to emphasize diplomacy over military force. ¶ Burns: "If we get a deal, we'll have to contain Iranian power"; Burns: "If we get a deal, we'll have to contain Iranian power" 02:44 ¶ PLAY VIDEO ¶ "This deal demonstrates that American diplomacy can bring about real and meaningful change," Obama said Tuesday, adding later that the deal "offers an opportunity to move in a new direction." ¶ But even Obama himself has admitted there are risks inherent in striking an accord with a sworn U.S. enemy. Lawmakers, many deeply wary of those risks, now have 60 days to digest the provisions included in the deal with Iran, a two-month review period Congress insisted upon as the negotiations unfolded. ¶ Obama was initially resistant to any congressional review of the Iran pact. But **faced with overwhelming support among lawmakers for some kind of evaluation period, the White House ultimately conceded** that Congress could be able to review the final deal before it takes full effect. ¶ It won't be easy for Congress to inflict damage on the agreement. **They must act quickly -- and the two-month period in which they can scuttle the plan includes a month-long August recess, and only a handful of working days.** ¶ Foreign Relations Committee Chairman Bob **Corker told reporters Monday he expects to start hearings sometime shortly after the 60-day clock begins -- which will come sometime in the next five days, after the Director of National Intelligence completes a number of certifications to Congress about the deal, including that it meets U.S. non-proliferation objectives and does not jeopardize U.S. national security.** ¶ Corker said he wants first to ensure senators have ample time to read the agreement and its classified annexes so they are "well versed" before hearing from the administration and any outside experts he plans to call to testify. ¶ Corker said he would like to complete hearings **before the August recess -- which begins Aug. 7 -- so lawmakers have the recess to consider their positions.** Under this scenario, up or down votes on the deal itself would not happen until mid-September, he said. ¶ In the House, a similar process and timeframe is also expected. ¶ **Within the 60-day span, opponents of the measure must rally votes to either enact new sanctions against Iran, or to disallow Obama from easing sanctions as part of the deal, measures the President would veto.** ¶ Overriding the veto in Congress **would require a two-thirds majority -- meaning in the Senate, Obama must only secure a minimum of 34** votes in order **for his deal to take effect.** Additional time beyond the 60-day review period is included for Obama to veto any legislation, and for Congress to muster support for an override. ¶ If lawmakers fail to pass any new restrictions during the review period -- which ends in mid-September -- the deal will go into place, and sanctions will be lifted in Iran. ¶ Obama: Iran's path to nuclear weapons will be cut off ¶ Obama: Iran's path to nuclear weapons will be cut off 04:21 ¶ PLAY VIDEO ¶ But among deeply skeptical senators, who worry about Iran's support for terror groups and incarceration of Americans, even 34 Democratic votes in support of Obama aren't necessarily assured. ¶ "

AT: K's

Parrhesia/AT: Foucault

The whistleblower constitutes the modern day parrhesist - a truth-teller who aims to change the way politics is performed no matter the cost

Mansbach 11

(Abraham Mansbach [Senior Lecturer at the Department of Philosophy, Ben-Gurion University of the Negev, in Beer-Sheva, Israel.], 2011 "Whistleblowing and Democratic Values," edited by David Lewis Wim Vandekerckhove, "Whistleblowing as Fearless Speech: The Radical Democratic Effects of Late Modern Parrhesia" The International Whistleblowing Research Network, ISBN 978-0-9571384-0-7, Pages 13-15, MX)

Modern democracies have several mechanisms for exposing illegal or immoral acts and practices that damage the public. These include the police, income-tax agencies such as the Internal Revenue Service (IRS) in the US, the HM Revenue and Customs (HMRC) in the UK, the Australian Taxation Office (ATO), as well as organizations of social accountability. In addition to institutional means, there are individuals who, acting on their own account, choose to disclose such acts. We call them 'whistleblowers.' The term refers to several forms of disclosure. In some acts of whistleblowing, the whistleblower's objective is to receive an economic benefit or some other type of reward. He or she might turn state's witness in order to avoid prosecution, for example. The concept also covers simple complaints to relevant authorities about, say, a neighbor littering on public property. But the present analysis will be confined to a third category, to those acts of whistleblowing where individuals, by exposing illegal practices, challenge the existing powers that be and put themselves at risk. The main reasons for the disclosure are to stop the harmful behavior and to prevent such conduct in the future. Included in the category are individuals who report on their own employers, as well as those who may not be employees of the organization guilty of wrongdoing, but are nevertheless challenging a significant, often political power. A common characteristic is that the individuals and/or organizations being confronted are in a position to do harm to the whistleblower. By disclosing wrongdoing that results in public harm, all the forms of whistleblowing protect the community, promote the public good, and extend the rule of law. Whistleblowing as fearless speech has additional characteristics that differentiate it from the others, however, which will be outlined below. Indeed, this practice is akin to parrhesia, a form of truth-telling that was practiced in ancient Greece and Rome. Consequently, we should see the whistleblower as a late-modern parrhesiast. Usually translated as 'free speech' or 'frank speech,' parrhesia has been described by Michel Foucault as: '...a kind of verbal activity where the speaker has a specific relation to truth through frankness, a certain relationship to his own life through danger, a certain type of relation to himself or other people through criticism (self-criticism or criticism of other people), and a specific relation to moral law through freedom and duty. More precisely, parrhesia is a verbal activity in which a speaker expresses his personal relationship to truth, and risks his life because he recognizes truth-telling as a duty to improve or help other people (as well as himself).' (2001, p.19) The messenger who brings the news of a lost battle at the risk of his (or her) own life is a classic example of a parrhesiast. Other examples - where life is not lost, but where the parrhesiast stands to lose something extremely valuable - include a politician who voices an unpopular truth, jeopardizing the support of his or her constituency, and a person who risks losing a close friend by criticizing his or her behavior. Like parrhesia, whistleblowing as fearless speech operates from a position of weakness. When employees expose illegal acts or omissions by their employers, their position is vulnerable as they may be demoted or even be fired. Indeed, researchers generally report that acts of reprisal are common practice against whistleblowers (Glazer & Glazer 1989; Neary 1992; Rothschild & Miethe 1994). Research on this topic shows that in the civil service such individuals are frequently transferred to inferior positions or dead-end jobs and are denied promotions (Near & Micel 1986; Martin & Rifkin, 2004; Mesmer-Magnus & Viswesvaran 2005). Meanwhile, in the private sector, whistleblowers often end up unemployed, having either been fired or having left because their work environment became unbearable (Alford 2002; Johnson 2003). There can be exceptions, of course, when labor relations foster communication and the free exchange of opinions, which in turn may create a favorable environment for whistleblowing (Skivenes & Trygstad 2010). But typically, whether in the public or the private sector, whistleblowers in most democratic societies rarely receive the recognition and tribute that their actions merit.³ Individuals who disclose the illegal or immoral practices of powerful actors such as politicians, armies, or governments, without being their direct employees, are also in danger. Consider Mark Felt, Watergate's famous 'Deep Throat' who exposed the illegal activities undertaken by members of U.S. President Richard Nixon's re-election team, who did not reveal his identity - likely out of fear - for more than 30 years (Felt & O'Connor 2006). David Christopher Kelly, the biological warfare expert in the British Ministry of Defence and former weapons inspector in Iraq, revealed material from the British government's dossier on weapons of mass destruction in Iraq (Hutton 2004). He subsequently committed suicide in the wake of the interrogations and intense pressure that followed the disclosure. Suspected of leaking over 250,000 U.S. diplomatic cables as well as footage of gunfight involving an Apache helicopter to the website WikiLeaks, private Bradley Manning is awaiting trial on 22 charges including the capital offense of aiding and abetting the enemy (The Hague Justice Portal). And in Israel a young female soldier, Anat Kam, was charged with having copied and 3 later leaked classified military documents to a journalist - documents that suggest the Israeli military breached a court order regarding targeted killings in the occupied West Bank. Kam is awaiting sentence after agreeing to plead guilty to unauthorized retention of government property and documents, in return for the government's treason charges being dropped (Hider 2011). The whistleblower's

position of weakness is counterbalanced by the factual truth he or she possesses and by his or her personal bravery. Either in spite or in response to the threats and harassment they often suffer as a result of their actions, they refuse to back down or to withdraw their allegations. Research has shown that there are different reasons for such persistence. Some have argued that personality traits such as extraversion and high domineering may account for this tenacity (Miceli 2004; Bjørkelo et. al. 2010). Brown and Olsen (2008 p. 148) assert that the 'need for achieving substantive vindication' and to emerge as a 'winner' rather than a 'loser' might explain such resilient conduct. It may also be suggested, following Vandekerckhove and Commers (2008), that whistleblowers' perseverance comes out of a commitment and loyalty to family, professional values, and consumers. From the political-personal perspective of this analysis, however, and in addition to these psychological, organizational, or ethical motives of persistence, I wish to consider the parrhesiastic blend of truth and courage as crucial to the act of the whistleblower as well as to his or her tenacity. In ancient times, the meaning of parrhesia changed throughout the years; under the Hellenic monarchs, for example, the king's advisor was required to use it to help the king make decisions and as a means of tempering his power (Foucault 2011). Whistleblowing as fearless speech is similar to parrhesia in that it also is an act intended to change the decisions made by more powerful actors. In the corporate and organizational world, the disclosures target management and superiors, and are usually directed towards the way in which work is carried out (Rothschild & Miethe 1999). The disclosures can also affect earnings or management's control over employees. In the public and political sphere, the revelations of practices by individuals running for or holding high governmental positions, are aimed at changing the way politics is performed.

These micropolitical acts of parrhesia have the potential to revitalize radical democracy

Mansbach 11

(Abraham Mansbach [Senior Lecturer at the Department of Philosophy, Ben-Gurion University of the Negev, in Beer-Sheva, Israel.], 2011 "Whistleblowing and Democratic Values," edited by David Lewis Wim Vandekerckhove, "Whistleblowing as Fearless Speech: The Radical Democratic Effects of Late Modern Parrhesia" The International Whistleblowing Research Network, ISBN 978-0-9571384-0-7, Pages 21-22, MX)

Power in contemporary society is not only evident in the relations between the government and groups or individuals, it is also relayed in the seemingly trivial incidents and transactions of everyday life (Certeau 1984; Connolly 1999; Foucault 2003). In addition to friendship, closeness, and familiarity, everyday social relations also contain subterranean conflicts, competition, and rivalry. The everyday practices inherent in these relations are micropolitical since they posit and re-posit the individual in society. Furthermore, they (re)define personal/political identity, – the 'I,' as well as collective identity – the 'we.' With regards to social and political dynamics, this means that intervention in liberal democratic societies does not reside solely in collective action, such as voting, signing petitions, demonstrating, or going on strike. There are non-collective practices of political intervention as well, and fearless speech is among them. Moreover, it has the potential to radicalize democracy. Indeed, this form of whistleblowing cannot be collectivized on a mass scale and maintain its liberal-democratic nature. In my view, a liberal democratic social space ipso facto does not have need of a mass movement of whistleblowers. Such a case would imply that wrongdoing is so widespread that the spirit and practices of liberal democracy have deteriorated to the point of being all but non-existent. It would also mean that the institutions that democracies have for exposing immoral and illegal acts that damage the public – the police, the tax agencies, etc. – are ineffective. In such a case we cannot expect that individuals, or groups of individuals, acting of their own accord will solve the problems faced by society. Nonetheless, the personal and collective political value of whistleblowing should not be underestimated. It is a micropolitical practice that holds liberal democratic societies accountable for their ideas, and influences how subjectivities are produced. If corrective actions are not taken, the message transmitted to the public will be that such wrongdoing is acceptable and the damage to the public will increase. If, however, corrective actions follows from whistleblowing – whether in the workplace or in the public sphere – the public will benefit. In such case whistleblowing as

fearless speech will keep liberal democracies vibrant, and might produce radical democratic subjects and politics.

AT: Identity K's

The affirms acts of “fearless speech” that allow whistleblowers to resist the misidentifications that cause your impacts

Mansbach 11

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While there are exceptions, such as workers co-operatives and voluntary communitarian arrangements like the Israeli Kibbutz, the workplace is typically a hierarchical organization where ideological and material elements are combined with a variety of tactics designed, among other things, to obtain workers' compliance (Korczynski et al. 2006). Nevertheless, and in spite of the apparent insularity of this system, studies of the 'logic' of labor and organizational processes have identified different forms of resistance that appear in its crevices (Perrucci et al. 1980). Resistance in the workplace can take many forms, such as outright sabotage, foot-dragging, and other work-avoidance strategies, such as when employees spend time on personal activities while at work (Certeau 1984; Scott 1985; Jermier 1988). Whistleblowing in the workplace has also been identified as one of these forms of resistance, and whistleblowers have been called, appropriately, 'ethical dissenter's' (Elliston 1982). But this form of resistance is unique in contrast with other types: the personal-organizational position of the whistleblower is special. Some believe these individuals naïve for assuming that organizations adhere to their stated missions and will consequently want to know about and rectify illegal activities. In reality, whistleblowers are usually highly competent and respected and have stronger than normal allegiance to organizational as well as extraorganizational principles and norms (De Maria 1996; Brown 2008; Miceli et al. 2008). Whistleblowers stop being obedient to the organization at that moment when companies demand that they collaborate directly or indirectly in illegal activities and/or reprehensible, antisocial workplace norms or behavior. Such dissent, I want to argue, is related to the question of identity and identification. That is, to the way in which the whistleblower perceives his or her self - the self image - and to the way in which he or she is identified by others. There are different ways in which identity and identification intertwine with fearless speech. In one, which I will lay out briefly, identity, compliance and oppression converge. The nexus between work and identity is a well-known social fact. While there is a debate about the extent to which the social and economic realities of late capitalism have transformed this relationship, the workplace continues to be a powerful source of identity and identification (Leidner 2006). In the case of workplace whistleblowers, this sense of identification is revealed in the acceptance of the way in which work is organized. Its hierarchical structure and attendant system of control are seen as beneficial to the company's efficiency, and whistleblowers demonstrate their identification with the company by complying with them (Collinson 2006). We could say that the position whistleblowers occupy in the organization is one of 'voluntary subordination'. As Laclau and Mouffe suggest, the meaning of subordination here does not entail antagonism; rather, it reflects 'a set of differential positions between social agents ... which constructs each social identity as positivity ...' (1985 p. 154). Fearless speech is a case of resistance to the process of subjectivation (Foucault 1983). As a witness to an illegal or immoral act in the workplace, the whistleblower resists in order to preserve the integrity of the organization. This struggle is motivated not only by the damage that the act might cause to a third party, but also, and perhaps more importantly - by the powerful source of identification that the workplace represents for its employees. In this sense, fearless speech occurs at the point where compliance or voluntary subordination turns into involuntary servitude or even oppression. In both compliance and oppression, a social agent is subjected to the will of another, but it is only during oppression that this subjection becomes a 'site of antagonism' (Laclau & Mouffe 1985, p. 154). For whistleblowers, it is misidentification in or through the workplace that transforms compliance, or voluntary subordination, into a form of oppression and the workplace into a site of antagonism. The importance of identity to the act of whistleblowing may be further appreciated in cases where whistleblowers have a staunch identity outside of their occupational lives, one that serves as a source of courage on which they must draw in order to disclose the damaging practices of powerful actors. This was evident during the latest economic crisis in the United States, when efforts of the

Federal Bureau of Investigation (FBI) and the Securities and Exchange Commission (SEC) to uncover fraud, Ponzi schemes, bribery, money laundering, and other financial crimes shifted into high gear. The role of whistleblowers in the financial sector was all over the media, and they were seen as a social and economic value. In a series of articles for the business website, CNBC, an investigative journalist reported significant similarities among individuals who became whistleblowers: all possessed solid sources of identity outside of their corporate lives and all perceived those external sources as crucial to their decision to blow the whistle. One was a former soldier and claimed that the army supplied him with the sense of integrity that lay beneath his actions. Many were religious, which, by their own accounts, was their primary identity and gave them the courage to act (Javers 2011). Given that the question of identity is at the core of fearless speech, we should not be surprised that it is often the identity of the whistleblower that becomes the target at which powerful actors aim their reprisals. Damaging the reputation of whistleblowers and personally discrediting them are common practices powerful actors use to invalidate what has been revealed. There are cases in which hostile employers have portrayed whistleblowers as mentally unstable (Draper 1994; Mansbach 2009), and physicians employed by corporations have reported incidents of managers accusing dissident employees of 'unbalanced behavior' (Rothschild & Miethe 1994).

The fearless speech of whistleblowers revitalizes radical democracy - such a system embraces the fluidity of social and political identity and seeks to rebuild them on the principles of liberty of equality

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Fearless speech not only preserves the value structures of modern democracies, it extends them. Indeed, its 'logic' coincides with the radical democratic project elaborated by scholars such as Ernesto Laclau and Chantal Mouffe (1985). Radical democracy presents a vision and political program that highlight the moral worth of human beings and combine the liberal values of autonomy, freedom, and pluralism with fundamental social premises like equality and social justice. A central feature of the project is that it does not invoke a final state or closure; it is an open-ended endeavor. The basic premise is that the principles of liberty and equality, which are at the core of this project, exist in irreconcilable tension and that any equilibrium or balance between them is virtually impossible. The radicalization of liberal democracy does not mean its replacement by other forms of social arrangement, but rather it consists of trying to extend equality and liberty to an increasing number of social relations. The ultimate objective is to maintain a living, vibrant democracy. One of the ways to keep democracy vibrant is to continually critique these principles and values - politically, publicly, through the organs of civil society, and through internal regulatory or supervisory bodies. This undertaking ensures that the values are implemented in material life, on the one hand, and that they do not become mere elements of ideological manipulation, on the other. Radical democracy is committed to the principle that liberal democratic societies must be held accountable for professed ideals. The practice of fearless speech takes up the challenge. But fearless speech extends the democratic principles and practices in another critical respect related to identity and identification. Radical democracy conceives of social space as constructed by ongoing social conflict. It also conceives of social and political identities as being constantly transformed by the actions, practices, roles, and functions of individuals in the different components of society, such as family and work. For radical democracy to be realized, a new identity informed by the principles of liberty and equality must be created or constituted. Radical democracy demands a change in identification and of identity. The change is twopronged, occurring at both the collective and individual levels. The first constitutes a radical, democratic we, and the other a radical, democratic I. While there is a distinction between collective vis-à-vis individual autonomy - i.e., between the public sphere (respublica) and the private one - it is important to remember that the distinction is analytical. The two spheres intersect and, in this respect, co-exist in tension: The distinction and tension between these two spheres and identities, essential to the project of radical democracy is the flip side, so to speak, of the distinction and tension between liberty and equality. 'This tension is the very life of modern democracies, and what makes them vibrant. (Mouffe 1992 p. 236) The way to invigorate this tension is through an intensification of democratic action. This action is for the 'we,' and

includes those struggles waged against inequality in the spirit of radical democracy. Collective political identities are created through a collective identification of the democratic demands of a specific social movement, be it for women, workers, the environment, or an ethnic or religious group.

In addition to the collective struggles for liberty and equality that constitute a collective identity, there are struggles that affect the individual's identity, either by recreating it or by preserving it. These are struggles where personal liberty is envisioned and personal autonomy is exercised.

Fearless speech I argue, is just such an endeavor. It is a personal act that re-creates the individual's identity, yet

simultaneously, by being beneficial to the public, is not antagonistic to the 'we.' I will examine this in detail by focusing on fearless speech in the workplace.

AT: Discourse Ks

Disseminating information about whistleblowers can alter public perception and spillover to legal change – Serbia and the UK prove

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(Anna Myers [Expert Coordinator with the Whistleblowing International Network], 1/14/14, "Whistleblowing: Civil Society's Challenge," Whistleblowing Network, <https://whistlenetwork.files.wordpress.com/2014/01/myers-article-website-version-jan14.pdf>, Pages 6-13, MX)

CASE STUDY : UNITED KINGDOM¹¹ Public Concern at Work By the end of the 1980s, public confidence in the ability of British institutions - whether private or public - to deliver their services safely had suffered. The British public was shocked when it was revealed that children in care had been abused over a 13-year period by those employed to protect them; that serious lapses in safety standards had been common prior to the explosion on a north sea oil rig that killed 167 men; and that a top UK insurance company could collapse leaving behind £34 million in unpaid debts. In 1990 the Public Interest Research Centre (PIRC) published the findings of a research project it had conducted into self-regulation and whistleblowing in UK companies. The report was the seed from which the first serious civil society initiative to address whistleblowing in the UK grew. One of the report's key findings was that staff often knew of problems or risks but few organisations provided adequate mechanisms for staff to raise their concerns in the workplace. Case studies showed how the absence of such mechanisms often led to misunderstandings, confrontations, victimisation of the employee and adverse publicity if the concern was unnecessarily aired outside the company. In the worst cases - as public inquiries into disasters and scandals demonstrated - genuine opportunities were missed to prevent damage being done. PIRC and others identified the need for an independent body to address accountability in the workplace in the public interest. As originally conceived, a new organisation could advise individuals, help employers, conduct research and promote good practice. In 1990 a steering committee was set up and it consulted widely with British business and professional organisations, corporate executives, lawyers, individual whistleblowers and public interest groups in Britain and the United States. This exercise revealed great interest in the issues of organisational accountability and whistleblowing, and support for an independent body to address it. The new body, called Public Concern at Work, was officially launched in October 1993. It obtained charitable status¹², incorporated as a limited company and sought designation from the Law Society of England and Wales and the Bar Council as a legal advice centre. Briefly, the charitable objectives of PCaW were and remain: **To promote ethical standards of conduct and compliance with the law by ... relevant organisations in their administration and management, treatment of personnel, health safety and commercial practices and protection of the natural environment.** PCaW strives to meet these objectives through three core activities. These are: • advising individuals with whistleblowing dilemmas at work; • supporting organisations with their whistleblowing arrangements; • informing public policy, and seeking legislative change. In 1995, less than two years after the launch of the charity, Dr Tony Wright MP asked the Campaign for Freedom of Information and PCaW to draft a Bill to protect whistleblowers as a means to highlight the issue. This first Bill was not successful - nor was second Bill drafted the following year. These legislative initiatives, along with the work PCaW was doing to report and highlight problems in different sectors including defence procurement, abuse in care, and standards in public life as well as concerns being reported on its advice line, all helped to secure widespread support for a law on whistleblowing. The Leader of the Opposition, Tony Blair, pledged that if elected his government would legislate on these terms and in 1997, the Labour government supported Richard Shepherd MP's Public Interest Disclosure Bill. PCaW was closely involved in the detail of the Bill and was asked to consult on it. The Bill built on the common law approach to public interest disclosures and provided that such whistleblowers should be protected by law against reprisals and fully compensated for their losses if dismissed. The Public Interest Disclosure Act passed in 1998 and proved a key milestone in the work of PCaW. The law declared whistleblowing a legitimate activity and offered legal protection to those in the workplace who speak up on behalf of others. However, as it was introduced to Parliament by a private member rather than as part of the Government programme, it passed with little government publicity. It meant as well that it fell to the charity, to monitor the law in practice which it has done over many years. Most recently PCaW launched an independent Whistleblowing Commission¹³ to review how the law is working in practice and in particular, the way in which regulatory bodies or authorities deal with whistleblowing concerns. PCaW – now twenty years old - remains a small organisation with fewer than 15 core staff and a number of volunteers, most

of whom are lawyers or legally trained. PCaW has advised over 14,000 whistleblowers since it started in 1993 and has worked with countless employers in all sectors to help them understand why it is in their best interests to listen to their staff and to implement safe and effective whistleblowing arrangements. It has also informed policy in health and social care, safety at work, audit, education and financial services, amongst others. Providing high quality early advice to individuals though remains a priority for the organisation. By advising whistleblowers how they can best raise a concern and by focusing on how to do so responsibly - either to those in charge or, where necessary, outside the organisation - the aim is to minimise the risk that the messenger will suffer and maximise the chance that any serious concern will be promptly addressed. The advice means that callers can make an informed decision about what they want to do with the information they have, knowing the risks and opportunities before them. The lawyer-client relationship ensures that callers can speak freely and openly about their concern and discuss the differences or conflicts between the public interest and their own, if there are any. CASE STUDY : SERBIA Pištaljka Pištaljka ("Whistle") was set up in 2010 by a group of journalists who had been fired from their government-owned newspaper after blowing the whistle on censorship and conflicts of interest at the newspaper itself. Vladimir Radomirovic, a founding member and the editor of Pištaljka, describes the inspiration for the organisation as coming partly from the example of Wikileaks but mostly from the situation in Serbia. When Pištaljka was started nearly four years ago, there were only a small number of independent media outlets in Serbia and it was increasingly clear that it was very difficult for citizens to tell their stories and even more difficult to get these published. Few media outlets were considered economically or politically free and censorship was widespread. The name Pištaljka ("Whistle") is an obvious reference to whistleblowing and it is a goal of the organisation to protect whistleblowers through a clear mandate of public interest journalism and the protection of sources. Pištaljka allows citizens to post anonymous, encrypted tip-offs through its website. Of the many tip-offs Pištaljka receives from whistleblowers, about 10% concern issues of substance and Pištaljka investigates at least half of these. The Pištaljka journalists use the Serbian Freedom of Information Law to verify the information received and conduct their own follow-up investigations using public data and other sources. The investigations can take many months to complete. Only stories based on documents obtained legally and independently are published and this provides extra protection to whistleblower sources. Only three months after its launch in July 2010, Pištaljka held the first ever round table discussion with whistleblowers in Serbia and published each and every one of their stories. The mainstream Serbian media then became interested and reprinted many of these stories. Faced with the facts in the public domain, state institutions in Serbia also reacted and a number of cases were then taken up and pursued by independent regulatory bodies and enforcements bodies such as the Information Commissioner, the Anti-Corruption Agency and the Prosecutor's Office. Since its inception Pištaljka has published over 300 investigative stories. Its first "scoop" came only two weeks after it was launched and involved corruption in state tendering which favoured a Russian oil company. This early work along with the careful investigations they have conducted since have helped establish Pištaljka not only as a credible and independent media outlet by the general population but importantly as a body that will act on citizen's concerns. Pištaljka's journalists are also respected by their peers in the main stream media and the fact that Pištaljka is happy for the main stream media to pick up its stories, helps ensure that the public has the greatest possible access to its work. It is worth noting that in Pištaljka's four year experience, many whistleblowers are willing to be associated with their stories and do not seek to remain anonymous. While this may be due in no small part because of Pištaljka's standing in the community, it may also have something to do with a fact that has been picked up by research on whistleblowing in many jurisdictions. That is that the main reasons for not reporting concerns is that whistleblowers believe it will not make a difference.¹⁴ Finally, by focusing on public interest journalism and the importance of citizen participation in the nation's affairs, Pištaljka is making a strong contribution to the public debate and pressure to ensure better whistleblower protection in law and in practice in Serbia. Each of these NGOs is strongly committed to facilitating whistleblowing and protecting whistleblowers and each takes a different approach. PCaW is a legal advice centre and Pištaljka is a group dedicated to public interest journalism. Both view whistleblowing as an essential element in ensuring the public is protected and that those in power account for their conduct. PCaW's legal approach is different from its US counterpart, the Government Accountability Project, in that it does not typically litigate. This highlights the fact that even in jurisdictions with similar traditions and legal systems, one size does not fit all. Instead, PCaW provides early practical help on the basis that such advice will protect individual whistleblowers and help ensure that wrongdoing or risk can be addressed early enough to prevent or limit the harm that it could cause. It is also an approach that builds on the notion of good governance and the accountability of existing democratic institutions which typically positions media disclosures as an important but last resort. However, the guarantee of freedom of information and expression depends ultimately on a free media. Pištaljka focuses on the importance of citizen engagement in exposing wrongdoing and abuse and in so doing taps into the notion of whistleblowing as a catalyst for democratic reform. Citizens have a right to know and to be informed about matters which affect them and the conduct of in power; public disclosures must be available to give voice to serious concerns and to allow the public to demand action. At the same time, Pištaljka does not ignore the importance of creating a strong legal framework to protect whistleblowers who report information internally or to responsible bodies as well as to the media. Pištaljka is actively supporting legal reform efforts in this regard as well as efforts to provide greater protection to journalists and their sources in Serbia. Civil society around the world While governments can, do, and should enact whistleblowing protection laws, the need for civil society actors such as the ones detailed above show that governments are rarely the best advocates of this legislation over the long term. This is because if the law works well it can act as a check on power and constrain the activities of governments themselves. Civil society must be active in this arena, to advocate for the protection of those individuals of conscience who come forward to safeguard the public interest and to position whistleblowing properly as a vital democratic accountability mechanism. This point was recently picked up by the UN Independent Expert, Alfred-Maurice de Zayas in a Report for the Human Rights Council submitted in July 2013¹⁵ [A] culture of democracy must be home-grown and cannot be exported or imposed top-down. Crucial remains the conviction that the government should serve the people and that its powers must be circumscribed by a Constitution and the rule of law. Juvenal's question quis custodiet ipsos custodes (who guards the guardians?) remains a central concern of democracy, since the people must always watch over the constitutional behaviour of the leaders and impeach them if they act in contravention of their duties.

Constitutional courts must fulfil this need and civil society should show solidarity with human rights defenders and whistleblowers who, far from being unpatriotic, perform a democratic service to their countries and the world.^[emphasis added] However, and in many ways like the whistleblowers they serve, the work of whistleblowing NGOs around the world remains largely unrecognized, under-resourced, and lacking in national

support: The corresponding lack of international resources has three negative consequences: public interest whistleblowers make their disclosures without protection and suffer retaliation that damages them and discourages others from coming forward; whistleblowers' experiences in a national setting remain largely isolated there and organisations working in the field do not benefit from lessons learned elsewhere; hard-won grassroots solutions to protecting the public interest through the protection of whistleblowers are not disseminated in a way that allows or encourages others to examine how it can work in their own domestic settings.

A new civil society network It was in the margins of an academic conference in June 2011 (organised by the International Whistleblowing Research Network - IRWN) that civil society representatives gathered to discuss the need to more effectively share expertise across disciplines and first mooted the idea of an international network. Many of the 40 or so representatives who gathered had already worked together informally or knew each other's work. In fact, the whistleblowing NGOs who had built up legislative, legal, policy and educational expertise over many years had not only supported each other in their early development but they were finding themselves increasingly asked to engage across borders. However, most of this work remained ad hoc not least because of their heavy domestic workloads and because they lacked the infrastructure and resources to operationalize a system that facilitates international cooperation on this sensitive issue. In order to help fill this gap, the group that had originally met began working more closely together, sharing information and connecting with others and in 2013 the Whistleblowing International Network (WIN) was formed.¹⁶ The founding members are experts in their domestic settings and have long worked with key partners including academics, journalists, lawyers, government officials, regulators, private business representatives, and colleagues in other NGOs locally and internationally.¹⁷ They are also receiving an increasing number of requests for technical cooperation and expertise, and from more problematic and challenging jurisdictions. WIN, therefore, is a much needed platform for whistleblowing NGOs to work together, share legal and practice expertise to supporting whistleblower protection capacity worldwide, and to lead in the development of democratic responses to whistleblower protection at domestic and international levels Whistleblowing International Network (WIN) Our mission is to share NGO expertise and solidarity across national, legal, social and cultural boundaries to promote and protect public interest whistleblowing. Further, the importance of NGOs feeding into the discussion about whistleblower protection at the international level is now more apparent than ever. Interest in whistleblowing as a tool to detect corruption is currently high on the international agenda¹⁸ and while positive, the value of whistleblowing to prevent corruption and to protect the public interest more broadly (environmental risks, health and safety dangers, human rights abuses, public waste, etc.) is less well understood or supported. In many jurisdictions, the distinction between criminal law informers and whistleblowing is not always made and more widely the differences between complainants, informers, human rights defenders and whistleblowers are not readily understood. Importantly, there are an increasing number of whistleblowing cases that have an international dimension which, by virtue of the revelations made or the type of organisation involved, do not fit current domestic models of protection. It is hoped that the WIN network will help build the momentum necessary to ensure such whistleblowers are adequately protected and fairly treated in practice and in law. It is also important for whistleblowing NGOs, with their specific expertise, to link to the efforts of others in related fields. For example, the recently published Global Principles on National Security and the Right to Information were drafted by 22 organizations and academic centres in consultation with more than 500 experts from more than 70 countries¹⁹. The principles not only make the important connection between whistleblowing and the public's right to know but do so in the context of national security which is a field now opening up to much more and much needed public scrutiny. The public interest principles that inform the whistleblower protection provisions contained in this document need to be better promoted and understood by civil society around the world and WIN can play a role in helping that happen. It should be also remembered that whistleblowing is seen as important and interesting to many players at different times - be it business, government, the media or issue oriented NGOs. Ultimately however protecting whistleblowers is rarely their core interest and once the whistle is blown, the longer term ramifications are often overlooked. The reliance on anonymity in protecting whistleblowers and the practicalities of who controls information in a global economy means that understanding whistleblowing as democratic accountability mechanism is now more important than ever. This is the challenge facing

WIN. Conclusion If one asks a group of people gathered in a room in any country in the world whether they "like" the term "whistleblower" many will say they do not, particularly when they translate whistleblowing into the most readily available term in their own language. In many cultures, whistleblowing is portrayed negatively and the term conjures the notion of a person who breaks rank or is a traitor to the group. Interestingly, this is no longer such a good question to ask in the United Kingdom because the word "whistleblower" is now more likely to be associated with the idea of a brave individual acting altruistically than a snitch.^{While this no doubt has something to do with the UK law that protects whistleblowing, it is also very much to do with the hard work of civil society organisations like Public Concern at Work, who have campaigned on a consistent message for nearly 20 years, namely that whistleblowing protects our interests.}^{This article began with a very brief look back to the Ancient Greece}

and the beginnings of our modern understanding of democracy to show that whistleblowing has been with us for a long time and in the context of maintaining a balance between power and people. Civil society around the world has a vital role to play in ensuring that those who speak up for the benefit of others and in the public good - even where it challenges the status quo and acts as a check on power - are not alone.

Neoliberalism Turns

Neoliberal democracies economic elite coupled with a pliant media reinforce the notion that civic engagement is not necessary

AEC 14

(Austrian Economics Center [The AEC carries out a range of activities as both a public policy think-tank and academic research institute. It considers many topical and timely questions concerning economic and social policies, and publishes analyses, working papers and other studies inspired by the ideas of the Austrian School of Economics.], 2014, "Let's get our freedom back," 2014 Book Project, Austrian Economics Center, Pages 11-13, MX)

A recent study conducted by Princeton University concluded that the US governmental policy is being governed by the economic elites of the country, while average citizen or citizen-based pressure groups have little or no influence on the policy processes (Glens and Page, 2014). While the latest in this regard, it is by no means the first to criticize the functioning of modern neoliberal democracies. One of the major reasons for this is the conscious effort by the governments to keep information on such policy processes out of reach of common people. This may appear to be a contradiction of sorts, as the free-market principle, which is the underlying ideology of neoliberalism, should imply a near complete freedom of information. However, there is a growing tendency among governments across the globe, and not just US, to increasingly operate in secrecy rather than openness. While the NSA scandal may be the most well-known instance of such secrecy, it is certainly not the only one. One of the most apt in this regard is the Trans-Pacific Partnership (TPP) agreement which involves 12 Pacific Rim nations, including the US, Australia, Japan, Malaysia, Chile etc. The agreement is being conducted behind closed doors and, as a recent Wikileaks suggests, might have drastic consequences for civil liberties in these countries (Wikileaks 2013). A similar case is the Transatlantic Trade and Investment Partnership (TTIP) between the EU and US, which has been criticized for its secrecy and or granting provisions contrary to the principles of democracy (Monbiot 2013). These apparent violations of the free-market principles and increased governmental insistence on secrecy, may at first appear simply as aberrations to the original doctrine. However, as Chomsky (2008) and Harvey (2007) note in their respective analyses, this is a corollary of the mutilation of a neoliberal system that is driven by elite interests. It is, therefore, important to see how these mutilations have led us to these times of secrecy and surveillance. This is discussed briefly in the following sections and then linked to the national security paradigm that exists in the status quo. 4.1 Neoliberal Democracies: A Brief Introduction Although neoliberalism emerged initially as a set of economic principles in the 1970s, advocating free market principles, it soon had a direct impact on political functioning of the states (Harvey 2007, 2-7). A natural corollary of neoliberal policies was the emergence of the economic elite and an increase in socio-economic inequality (McChesney 1999). This new economic elite translated itself into the political elite, with the free-market principles forbidding any real civil society activism (ibid). An obvious byproduct of this system is, thus, the depoliticized citizenry which lacks active participation in the civil society processes. Moreover, as Vegh (2003) notes, this elite control is complimented by a mass media that skews its presentation of "counter-hegemonic" activities, by labeling them as anti-state or anti-democratic etc. Another aspect is the use of common sense ideas such as "freedom" and "national security" as veils for class-interests. Harvey (2007) discusses how such concepts are "profoundly misleading, obfuscating or disguising real problems under cultural prejudices." This, combined with a depoliticized population, leads to the notion that public deliberation can be excluded from the political decision-making process (Dekker 2012, 3-5). These effects can be witnessed by looking at the low/decreasing voter-turn outs during elections in almost all the neoliberal democracies such as US, UK and even the likes of Chile etc. It may be observed that this neoliberal democracy is similar in a lot of ways to the one highlighted by Mill (1969, 139-141), as driven by class interest. It is in the interest of this

government to maintain such a class division, and keep the rest at a low level of socio-political intelligence, so they can maintain the status quo without facing any major opposition. And the most common way of achieving this is by hiding information from the public under the pretext of national security. 4.2 National Security: Who does it Protect? "Anyone who has worked with declassified documents can see very clearly that the reason for classification is very rarely to protect the state or the society from enemies; most of the times it is to protect the state (or the government) from its citizens." (Chomsky 2013) While there has been a growing recognition for protecting the whistleblowers in all other fields, national security is still deemed by almost all the countries to lie outside the scope of whistleblowing. One such example is the recent Whistleblower Protection Enhancement Act 2012 by the Obama administration, which provides legal protection for all whistleblowers, except those related to national security and intelligence agencies (Greenwald 2013). It is not a matter of surprise then, that increasingly, states have become national security states, and have started to withhold information under the pretext of national security (ibid). While this will be discussed in greater detail in the subsequent sections, one such example is pertinent for discussion here. The publication of the declassified Pentagon Papers in 2011 came forty years after they were leaked by Daniel Ellsberg. The documents show that what was published in 1971, and contested vehemently by the then government, was actually true (Jones and Brown 2011). While some would say that the admittance of these facts by the then government would have affected the national morale and thus fell under matters of national security, no one would be able to deny that this was a case of a government blatantly lying to its people for achieving objectives that the government itself thought were unachievable (ibid). It was either trying to cover its own failures or, as some would say, protecting the interests of the military-industrial complex (Greenwald 2013). Considering the fact that a similar claim of WMDs in Iraq by the US and the UK governments was also false, there exists sufficient ground for mistrusting the governments about what they choose to tell or not tell their people. It is no surprise then, that the number of documents classified or withheld under national security pretext have increased manifolds during the last decade (ibid). And the situation is not just limited to the US alone, incidents in the UK and Australia, where governments have attempted to gag the employees from revealing documents related to defense deals and national security to their own MPs, shows that the problem is much more widespread than one might think (Dreyfus 2012).

The silencing of whistleblowers under the guise of “national security” results in information asymmetry – preventing civic engagement and fueling a new and predatory neoliberal democracy - only the aff’s intervention allows for informed community engagement which avoids serial policy failure

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5.1 A More Equal Distribution of Information Information asymmetry is perhaps one of the most important and, at the same time, restrictive aspects of the neoliberal democracies. Access to information is denied to the general public and consequently, their ability to make informed choices is considerably curtailed. While laws related to freedom of information exist in most countries, their scope does not include information that is of real significance, as it is protected under the guise of national security. As has been shown in the host of leaks that have been issued till date, most of the information that is classified under national security pretext is not to protect the state but the wrongdoings or the incompetence of the government in power. The targeting of civilian population in Iraq by the US forces, torture and inhumane treatment of prisoners in Guantanamo Bay, fabrication of reports by the UK experts to support claims of WMDs in Iraq, surveillance of civilian population across the globe by the US and UK’s security agencies are examples of such instances. The restricted access to such information serves the interests of the elite i.e. the military, industrial and political nexus, as it protects their interests which may not be necessarily in consonance with the people at large. This

asymmetry is what is challenged by the whistleblowers. From a utilitarian perspective, unless this asymmetry is countered, an informed choice is not possible which would result in an infinite loop of choices that are in opposition to the general will and interest of the people. As Daniel Ellsberg later regretted that had he leaked the Pentagon papers earlier, a costly war (both in material terms and the number of soldiers that died) could have come to an earlier end. In the case of Iraq, perhaps an ill-fated and costly war could have been completely avoided. 5.2 A More Transparent Government Transparency in decision-making processes as well as the implementation of executive decisions is directly proportional to the confidence that the people have in their governments (Greenwald 2013). However, as is the case with many countries in the world, the governments are increasingly operating in greater secrecy. In US alone, the number of documents classified under national security has exceeded billions (ibid). As Scheuer (2010) notes, this sometimes allows the governments to convince their citizens that “black is white.” However, such lack of transparency leads to suspicion within the public that the governments are deceitful in their affairs and are working contrary to the public interest. The endorsement of whistleblowers in all sectors of the government, allows for the government to increase transparency within its ranks and improve confidence within the general population with regards to the policy-making processes. Another aspect of transparency is the openness within governmental departments which allows for them to keep checks on each other. Secrecy thus, undermines accountability (Moberly 2012, 114). Kitrosser points out that secrecy needs, based on national security, are dramatically over-stated and may as a result lead to poorly informed or under-vetted policies (ibid). An interesting case in this regard is the report by the 9/11 Commission which identified the excessive secrecy in inter-departmental communications as one of the possible causes of security breach. It is no surprise, therefore, that Wikileaks was awarded the Media Award by the Transparency International in 2009 for their leaks related to governmental misconduct in Kenya (Jones and Brown 2011, 112) 5.3 Shifting towards Deliberative Democracies The significance of the whistleblowers needs to be seen in the broader context as part of the departure from the neoliberal democratic systems. As discussed earlier, neoliberalism creates information asymmetry and, consequently, excludes the masses from the decision-making processes. The state, as a result, serves the interest of the elite rather than people at large. Eisenhower, the former US President, was perhaps the first to talk about the military-industrial complex but certainly not the last one (Eisenhower 1961). In this context, whistleblowers and organizations such as Wikileaks bring the people back in the deliberative loop. As Marlin (2011) suggests, whistleblowers provide the raw material that is needed for an informed judgment. They improve public-political engagement by opening the discourse for the public (Dekker 2012, 14). A deliberative democracy requires such liberty of conscience and freedom of expression to exist, because, as Mill argues, it is only when such liberty exists, can the social and political institutions shape national character that allows for the widest participation in governmental functions (Mill 1969, 122). In this regard, the role of whistleblowers can be seen as integral to building social capital within democratic societies, ensuring that governments are not only working for their people, but also in a manner that is consistent with the established moral and legal norms.

All the reasons why whistleblowers are bad lack merit and are wrought with faulty logic

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While the utility that can be drawn from liberty is a justification for it to be granted, Mill himself conceded that it can be curtailed in event that exercise of such liberty causes or has a realistic potential of harming legitimate interests of others. So, the defense of whistleblowers merits a discussion of the alleged “harms” that it may cause. One such allegation is endangering the lives of people who are involved in secret missions and operations. As the New York Times’ editorial suggests in their profile of Assange, “The digital secrets that he (Assange) reveals can have a price in flesh and blood.” (O’Brien 2013, 21) However, as has been

noted by many scholars till date, the governments in these cases have been unable to bring forward any substantive claims with regards to the fatal nature of these leaks. There are two major reasons for this. Firstly, the whistleblowers have to collaborate with the press and consequently, all the documents are carefully read and reviewed for any such instances. Secondly, even whistleblowing organizations themselves have started adopting “harm minimization” procedures, which allow for redactions in cases where an operatives life may be under threat (Marlin 2011, 5). The other major challenge is that, in cases of national security, governments need to operate with a certain level of secrecy and such a disclosure will harm the national interests of a country by impeding its ability to do so (Galveston 2014). A related issue is the disclosure of documents that have no real public interest at hand, but are a genuine threat to national security (ibid). In view of this line of reasoning, rogue individuals cannot be trusted to make the judgment call and the matter should be left in the hands of the governments. This line of reasoning is problematic as it undermines the basic principle behind whistleblowing i.e. exposing the government’s wrongdoings. The right of the government to secrecy is accepted. However, when this right is used by the governments to hide their own failures or to carry out illegal or unconstitutional actions, the right cannot hold. As Greenwald (2013) notes, the responsibility of the individual to uphold the constitution is higher than to abide by the legal requirements of confidentiality because in such instances, there is no other way for the people to know about them but for someone to blow the whistle on them. As far as the latter issue is concerned, it cannot be taken as a principle, rather needs to be looked at on a case to case basis. The government has the right to take an individual to court if they believe that the disclosure was not in public interest rather had malicious intent or harmed national security more than the benefits. However, that should not take away the right of an individual to expose governmental misconduct. The harms that are enumerated as possible outcomes of such leaks, as shown in the discussion above, lack sufficient merit to be considered either legitimate or realistic. It is important to remember that harms to a particular government or a specific agency are significantly different from harms to national security and the state in general. While the earlier one may result from acts of whistleblowing, the chances of the latter are significantly less.

The impact is the neoliberalization of society: reducing behavior to market logic results in social dislocation, unabated resource consumption and the commodification of culture - this magnifies every other impact

Harvey 5

(David Harvey [Distinguished Professor of Anthropology & Geography at The Graduate Center, CUNY], 2005, “A Brief History of Neoliberalism,” Oxford University Press, Pages165-172, MX)

The Commodification of Everything To presume that markets and market signals can best determine all allocative decisions is to presume that everything can in principle be treated as a commodity. Commodification presumes the existence of property rights over processes, things, and social relations, that a price can be put on them, and that they can be traded subject to legal contract. The market is presumed to work as an appropriate guide—an ethic—for all human action. In practice, of course, every society sets some bounds on where commodification begins and ends. Where the boundaries lie is a matter of contention. Certain drugs are deemed illegal. The buying and selling of sexual favours is outlawed in most US states, though elsewhere it may be legalized, decriminalized, and even state-regulated as an industry. Pornography is broadly protected as a form of free speech under US law although here, too, there are certain forms (mainly concerning children) that are considered beyond the pale. In the US, conscience and honour are supposedly not for sale, and there exists a curious penchant to pursue ‘corruption’ as if it is easily distinguishable from the normal practices of influence-peddling and making money in the marketplace. The commodification of sexuality, culture, history, heritage; of nature as spectacle or as rest cure; the extraction of monopoly rents from originality, authenticity, and uniqueness (of works or art, for example)—these all amount to putting a price on things that were never actually produced as commodities.¹⁷ There is often disagreement as to the appropriateness of commodification (of religious events and symbols, for example) or of who should exercise the property rights and derive the rents (over access to Aztec ruins or marketing of Aboriginal art, for example). Neoliberalization has unquestionably rolled back the bounds of commodification and greatly extended the reach of legal contracts. It typically celebrates (as does much of postmodern theory) ephemerality and the short-term contract—marriage, for example, is understood as a short-term contractual arrangement rather than as a sacred and unbreakable bond. The divide between neoliberals and neoconservatives partially reflects a difference as to where the lines are drawn. The neoconservatives typically blame ‘liberals’, ‘Hollywood’, or even ‘postmodernists’ for what they see as the dissolution and immorality of the social order, rather than the corporate capitalists (like Rupert Murdoch) who actually do most of the damage by foisting all manner of sexually charged if not salacious material upon the world and who continually flaunt their pervasive preference for short-term over long-term commitments in their endless pursuit of profit. But there are far more serious issues here than merely trying to protect some treasured object, some particular ritual

or a preferred corner of social life from the monetary calculus and the short-term contract. For at the heart of liberal and neoliberal theory lies the necessity of constructing coherent markets for land, labour, and money, and these, as Karl Polanyi pointed out, 'are obviously not commodities. . . the commodity description of labour, land, and money is entirely fictitious'. While capitalism cannot function without such fictions, it does untold damage if it fails to acknowledge the complex realities behind them. Polanyi, in one of his more famous passages, puts it this way: To allow the market mechanism to be sole director of the fate of human beings and their natural environment, indeed, even of the amount and use of purchasing power, would result in the demolition of society. For the alleged commodity 'labour power' cannot be shoved about, used indiscriminately, or even left unused, without affecting also the human individual who happens to be the bearer of this peculiar commodity. In disposing of man's labour power the system would, incidentally, dispose of the physical, psychological, and moral entity 'man' attached to that tag. Robbed of the protective covering of cultural institutions, human beings would perish from the effects of social exposure; they would die as victims of acute social dislocation through vice, perversion, crime and starvation. Nature would be reduced to its elements, neighborhoods and landscapes defiled, rivers polluted, military safety jeopardized, the power to produce food and raw materials destroyed. Finally, the market administration of purchasing power would periodically liquidate business enterprise, for shortages and surfeits of money would prove as disastrous to business as floods and droughts in primitive society.¹⁸ The damage wrought through the 'floods and droughts' of fictitious capitals within the global credit system, be it in Indonesia, Argentina, Mexico, or even within the US, testifies all too well to Polanyi's final point. But his theses on labour and land deserve further elaboration. Individuals enter the labour market as persons of character, as individuals embedded in networks of social relations and socialized in various ways, as physical beings identifiable by certain characteristics (such as phenotype and gender), as individuals who have accumulated various skills (sometimes referred to as 'human capital') and tastes (sometimes referred to as 'cultural capital'), and as living beings endowed with dreams, desires, ambitions, hopes, doubts, and fears. For capitalists, however, such individuals are a mere factor of production, though not an undifferentiated factor since employers require labour of certain qualities, such as physical strength, skills, flexibility, docility, and the like, appropriate to certain tasks. Workers are hired on contract, and in the neoliberal scheme of things short-term contracts are preferred in order to maximize flexibility. Employers have historically used differentiations within the labour pool to divide and rule. Segmented labour markets then arise and distinctions of race, ethnicity, gender, and religion are frequently used, blatantly or covertly, in ways that redound to the employers' advantage. Conversely, workers may use the social networks in which they are embedded to gain privileged access to certain lines of employment. They typically seek to monopolize skills and, through collective action and the creation of appropriate institutions, seek to regulate the labour market to protect their interests. In this they are merely constructing that 'protective covering of cultural institutions' of which Polanyi speaks. Neoliberalization seeks to strip away the protective coverings that embedded liberalism allowed and occasionally nurtured. The general attack against labour has been two-pronged. The powers of trade unions and other working-class institutions are curbed or dismantled within a particular state (by violence if necessary). Flexible labour markets are established. State withdrawal from social welfare provision and technologically induced shifts in job structures that render large segments of the labour force redundant complete the domination of capital over labour in the marketplace. The individualized and relatively powerless worker then confronts a labour market in which only short-term contracts are offered on a customized basis. Security of tenure becomes a thing of the past (Thatcher abolished it in universities, for example). A 'personal responsibility system' (how apt Deng's language was!) is substituted for social protections (pensions, health care, protections against injury) that were formerly an obligation of employers and the state. Individuals buy products in the markets that sell social protections instead. Individual security is therefore a matter of individual choice tied to the affordability of financial products embedded in risky financial markets. The second prong of attack entails transformations in the spatial and temporal co-ordinates of the labour market. While too much can be made of the 'race to the bottom' to find the cheapest and most docile labour supplies, the geographical mobility of capital permits it to dominate a global labour force whose own geographical mobility is constrained. Captive labour forces abound because immigration is restricted. These barriers can be evaded only by illegal immigration (which creates an easily exploitable labour force) or through short-term contracts that permit, for example, Mexican labourers to work in Californian agribusiness only to be shamelessly shipped back to Mexico when they get sick and even die from the pesticides to which they are exposed. Under neoliberalization, the figure of 'the disposable worker' emerges as prototypical upon the world stage.¹⁹ Accounts of the appalling conditions of labour and the despotic conditions under which labourers work in the sweatshops of the world abound. In China, the conditions under which migrant young women from rural areas work are nothing short of appalling: 'unbearably long hours, substandard food, cramped dorms, sadistic managers who beat and sexually abuse them, and pay that arrives months late, or sometimes not at all'.²⁰ In Indonesia, two young women recounted their experiences working for a Singapore-based Levi-Strauss subcontractor as follows: We are regularly insulted, as a matter of course. When the boss gets angry he calls the women dogs, pigs, sluts, all of which we have to endure patiently without reacting. We work officially from seven in the morning until three (salary less than \$2 a day), but there is often compulsory overtime, sometimes—especially if there is an urgent order to be delivered—until nine. However tired we are, we are not allowed to go home. We may get an extra 200 rupiah (10 US cents) . . . We go on foot to the factory from where we live. Inside it is very hot. The building has a metal roof, and there is not much space for all the workers. It is very cramped. There are over 200 people working there, mostly women, but there is only one toilet for the whole factory . . . when we come home from work, we have no energy left to do anything but eat and sleep . . .²¹ Similar tales come from the Mexican maquila factories, the Taiwanese- and Korean-operated manufacturing plants in Honduras, South Africa, Malaysia, and Thailand. The health hazards, the exposure to a wide range of toxic substances, and death on the job pass by unregulated and unremarked. In Shanghai, the Taiwanese businessman who ran a textile warehouse 'in which 61 workers, locked in the building, died in a fire' received a 'lenient' two-year suspended sentence because he had 'showed repentance' and 'cooperated in the aftermath of the fire'.²² Women, for the most part, and sometimes children, bear the brunt of this sort of degrading, debilitating, and dangerous toil.²³ The social consequences of neoliberalization are in fact extreme. Accumulation by dispossession typically undermines whatever powers women may have had within household production/ marketing systems and within traditional social structures and relocates everything in male-dominated commodity and credit markets. The paths of women's liberation from traditional patriarchal controls in developing countries lie either through degrading factory labour or through trading on sexuality, which varies from respectable work as hostesses and waitresses to the sex trade (one of the most lucrative of all contemporary industries in which a good deal of slavery is involved). The loss of social protections in advanced capitalist countries has had particularly negative effects on lower-class women, and in many of the ex-communist countries of the Soviet bloc the loss of women's rights through neoliberalization has been nothing short of catastrophic. So how, then, do disposable workers—women in particular—survive both socially and affectively in a world of flexible labour markets and short-term contracts, chronic job insecurities, lost social protections, and often debilitating labour, amongst the wreckage of collective institutions that once gave them a

modicum of dignity and support? For some the increased flexibility in labour markets is a boon, and even when it does not lead to material gains the simple right to change jobs relatively easily and free of the traditional social constraints of patriarchy and family has intangible benefits. For those who successfully negotiate the labour market there are seemingly abundant rewards in the world of a capitalist consumer culture. Unfortunately, that culture, however spectacular, glamorous, and beguiling, perpetually plays with desires without ever conferring satisfactions beyond the limited identity of the shopping mall and the anxieties of status by way of good looks (in the case of women) or of material possessions. 'I shop therefore I am' and possessive individualism together construct a world of pseudo-satisfactions that is superficially exciting but hollow at its core. But for those who have lost their jobs or who have never managed to move out of the extensive informal economies that now provide a parlous refuge for most of the world's disposable workers, the story is entirely different. With some 2 billion people condemned to live on less than \$2 a day, the taunting world of capitalist consumer culture, the huge bonuses earned in financial services, and the self-congratulatory polemics as to the emancipatory potential of neoliberalization, privatization, and personal responsibility must seem like a cruel joke. From impoverished rural China to the affluent US, the loss of health-care protections and the increasing imposition of all manner of user fees adds considerably to the financial burdens of the poor.²⁴ Neoliberalization has transformed the positionality of labour, of women, and of indigenous groups in the social order by emphasizing that labour is a commodity like any other. Stripped of the protective cover of lively democratic institutions and threatened with all manner of social dislocations, a disposable workforce inevitably turns to other institutional forms through which to construct social solidarities and express a collective will. Everything from gangs and criminal cartels, narco-trafficking networks, minimefias and favela bosses, through community, grassroots and nongovernmental organizations, to secular cults and religious sects proliferate. These are the alternative social forms that fill the void left behind as state powers, political parties, and other institutional forms are actively dismantled or simply wither away as centres of collective endeavour and of social bonding. The marked turn to religion is in this regard of interest. Accounts of the sudden appearance and proliferation of religious sects in the derelict rural regions of China, to say nothing of the emergence of Fulan Gong, are illustrative of this trend.²⁵ The rapid progress of evangelical proselytizing in the chaotic informal economies that have burgeoned under neoliberalization in Latin America, and the revived and in some instances newly constructed religious tribalism and fundamentalism that structure politics in much of Africa and the Middle East, testify to the need to construct meaningful mechanisms of social solidarity. The progress of fundamentalist evangelical Christianity in the US has some connection with proliferating job insecurities, the loss of other forms of social solidarity, and the hollowness of capitalist consumer culture. In Thomas Frank's account, the religious right took off in Kansas only at the end of the 1980s, after a decade or more of neoliberal restructuring and deindustrialization.²⁶ Such connections may seem far-fetched. But if Polanyi is right and the treatment of labour as a commodity leads to social dislocation, then moves to rebuild different social networks to defend against such a threat become increasingly likely.

The affirmative functions as a “revolutionary reform” that pushes the limits of capitalism - genuine reforms only lead to market panic and backsliding - the aff's politically feasible strategy creates cracks and fissures within the neoliberalism

Wray 14

(Ben Wray [researcher for the Reid Foundation and a member of the ISG based in Govanhill], 14/4/14, "The case for revolutionary reforms," International Socialist Group, internationalsocialist.org.uk/index.php/2014/04/the-case-for-revolutionary-reforms/, MX)

We need revolutionary change. There's no two ways about it – if the exploitation of labour by capital continues to be the central dynamic driving economic development, we are headed for human and environmental catastrophe. But as I've discussed in the previous five parts of this series, getting from where we are to a revolutionary transformation that overthrows the dominant property relations of the capitalist economy and replaces them with social relations based on democratic control of the world's resources is not as simple as declaring our desire for it to be so. I saw a petition on change.org the other day proposing the overthrow of capitalism. If one million people signed that petition and one million people signed a further petition to introduce full collective bargaining rights for trade-unions in the UK, which one would move us closer to the overthrow of capitalism? I wager the latter. Whilst having an end goal in sight is important, most people don't change their thinking about the world based on bold visions of what could be done at some point in the future: they change their ideas based on evidence from their material lives which points to the inadequacy or irrationality of the status quo. In other words, we need to have ideas that build upon people's lived experience of capitalism, and since that it is within the framework of a representative democracy system, we need ideas based around proposals for reforms. At the same time those reforms have to help rather than hinder a move to more revolutionary transformation that challenges the very core of the capitalist system. The dialectic of reform and revolution What we need, therefore, is a strategy of revolutionary reforms. Such a notion would appear as a contradiction in terms to many who identify as reformists or revolutionaries and see the two as dichotomous, but there is no reason why this should be the case. Indeed, history has shown that revolutionary

transformations have always happened as a dialectical interaction between rapid, revolutionary movements and more institutional, reform-based challenges. Even the revolutionary part of that dialectic has always been motivated by the immediate needs of the participants involved – land, bread and peace’ being the first half of the slogan of the Russian Revolution. What does a strategy of ‘revolutionary reforms’ entail? Ed Rooksby explains that it is a political strategy that builds towards revolutionary change by using reforms to ‘push up against the limits’ of the ‘logic of capitalism’ in practice: “At first these “feasible objectives” will be limited to reforms within capitalism—or at least to measures which, from the standpoint of a more or less reformist working class consciousness, appear to be legitimate and achievable within the system, but which may actually run counter to the logic of capitalism and start to push up against its limits. As the working class engages in struggle, however, the anti-capitalist implications of its needs and aspirations are gradually revealed. At the same time, through its experience of struggle for reform, the working class learns about its capacity for “self-management, initiative and collective decision” and can have a “foretaste of what emancipation means”. In this way struggle for reform helps prepare the class psychologically, ideologically and materially for revolution.” The late Daniel Bensaïd expressed this argument through the lens of the history of the socialist movement: “In reality all sides in the controversy agree on the fundamental points inspired by The Coming Catastrophe (Lenin’s pamphlet of the summer of 1917) and the Transitional Programme of the Fourth International (inspired by Trotsky in 1937): the need for transitional demands, the politics of alliances (the united front), the logic of hegemony and on the dialectic (not antinomy) between reform and revolution. We are therefore against the idea of separating an (‘anti-neoliberal’) minimum programme and an (anti-capitalist) ‘maximum’ programme. We remain convinced that a consistent anti-neoliberalism leads to anti-capitalism and that the two are interlinked by the dynamic of struggle.” So revolutionary reforms means a policy agenda that, as Alberto Toscano has put it, “at one and the same time make concrete gains within capitalism which permits further movement against capitalism”. The Italian marxist Antonio Gramsci described this approach as a ‘war of position’. The neoliberal context To understand what all of this means in practical terms for a left party in Scotland today we need to understand the economic and political context we live in. The last forty years of neoliberal capitalism has seen a rolling back of the gains of the post-war era, as the rate of exploitation has increased enormously, the strength of trade-unions has decreased significantly, and major chunks of the welfare state and public-sector have been shrunk or sold-off. The outcome is a massive redistribution of wealth and power to a narrowing capitalist elite, who increasingly use money to make money through financialisation, bypassing the productive aspects of the capitalist economy entirely. Britain is part of the vanguard of this neoliberal offensive. The political consequence of this is that mainstream parties, whether they be centre-left or centre-right, are unwilling to challenge the supremacy of neoliberalism in the British economy. The economic crisis if anything has seen a further radicalisation of neoliberalism. Therefore a left party that challenges neoliberalism is also challenging capitalism. What may have been a reform the capitalist system could easily have absorbed or even desired forty years ago is now a fatal threat to its order. Indeed, the word ‘reforms’ today is used to justify all manner of counter-reforms which further dismantle the safety-net of public services and the welfare state. Global capital is trying to go further than ever in stripping away the rights of states and judicial systems that don’t work in their favour. One particularly terrifying example of this is the Trans-Atlantic Trade and Investment Partnership which is a single-market agreement between the EU and the US. What is in the fine print is an “investor-state dispute settlement” mechanism whereby in the situation that a particular nation-state doesn’t want companies to, say, mine in particular areas or sell goods produced unethically, the decision can be overturned by a secret arbitration panel of corporate lawyers which has the power to bypass domestic courts and ignore the will of parliaments. Given this context of hyper-capitalist authoritarianism, the reform-revolution dialectic is intensified today compared to forty years ago. As the Candian Marxist Leo Panitch puts it: Perhaps the greatest illusion of 20th-century social democrats was their belief that once reforms were won they would be won for good. In fact, we can now see how far the old reforms were subject to erosion by expanding capitalist competition on a global scale. They have been so undermined by the logic of competitiveness that it now seems very difficult to see how state protections against markets could be secured in our time without additional measures that would be seen as revolutionary.” Genuine reforms, such as democratic public control of the money supply, would cause panic amongst credit agencies and the ‘markets’, potentially leading to a run on the banks of the nation-state in which such a proposal was made. This is global capitalism’s way of threatening the state to tow the line, and usually states and their political parties are responsive to its needs.

We control uniqueness - progress is a double-edged sword and the frequency of conflict has risen - Neoliberalism uses short term statistical analysis to mask its dark underside

Harrison et al. 14

(Mark Harrison [Professor of Economics at the University of Warwick; research fellow of Warwick's Centre on Competitive Advantage in the Global Economy, the Centre for Russian and East European Studies at the University of Birmingham, and the Hoover Institution on War, Revolution, and Peace at Stanford University], Nikolaus Wolf [Professor of Economics at Humboldt-University of Berlin], 2014 "The frequency of wars: reply to Gleditsch and Pickering," The Economic History Review, 67, 1, Pages 231-239, MX)

We show that the frequency of bilateral militarized conflicts between independent states has indeed been rising steadily over the last century. We show that this finding is not driven by any selection bias in our data but a fact that needs to be explained. Finally we highlight our main contribution, namely that state formation and the capacity to fight are at the heart of the observed upward trend in conflicts. Conflicts among independent states has risen steadily over

131 years.¹ The frequency of wars, we maintained: "The frequency of bilateral militarized 1 Gleditsch and Pickering argue: 'Harrison and Wolf's claim is incorrect . . . their findings primarily arise as a likely artefact of their uncritical use of the Militarized Interstate Disputes (MIDs) data.'² Based on their conclusion that our premise is faulty, Gleditsch and Pickering also take issue with the implications we draw for the economic history of conflict among states. We welcome the effort to explain our findings away, which sets a necessary test of robustness. We accept some criticisms. We chose to use the Militarized Interstate Disputes (MIDs) dataset provided by the Correlates of War project.³ We should have given more consideration to the merits and demerits of alternative datasets, and to what we mean by war and the demarcation between wars and militarized interstate disputes of various levels. At the same time we stand by the spirit in which we conceptualized violence among states, and we will show that this spirit is well represented in our data, which our critics have wrongly caricatured. We will

show that our findings survive the tests that our critics have posed. It is fast becoming an orthodoxy among political scientists that the global appetite for organized violence is in long-term decline.⁴ As we emphasized in our original contribution, there is much in this from which we do not dissent. We acknowledged that 'Many indicators of interstate conflict have been flat or declining for decades or longer. This includes the number of wars in each year since 1816, the number of military fatalities in each year since 1946, and the annual probability of bilateral interstate conflict since 1950. In the most recent years . . . the downward trends have continued.⁵ We also noted

a decline in the bilateral probability of conflict since 1945. But this was the beginning rather than the end of our story. Our argument reflects a complex world. There is progress in international affairs, but progress is double-edged. Each advance has its price. There are good reasons to associate democratization and liberalization with a more peaceful globe, but national self determination and long-distance trade appear to have multiple effects, heightening some war risks while others have fallen. The pairwise probability of conflict has fallen; the number of country pairs has risen by more than enough to offset this. Models of the world that treat state formation as exogenous and ignore its role in spreading conflict are oversimplified. We argue that they fail to predict an important fact: One indicator has moved persistently in the wrong direction'; 'the frequency of bilateral militarized conflicts among independent states has risen steadily over 131 years.'⁶ Approaches that neglect this are analytically incomplete, because they omit important supply-side factors in interstate violence. I Gleditsch and Pickering start from 'a common underlying definition of interstate war as armed conflict between two states involving at least 1,000 battle-deaths'.⁷ They argue that most events in our data fall short of war, could never lead to war, and in many cases are trivial: they do not amount to interstate conflict in any meaningful sense. Here we make two points. First,

war is conflict; even if not all conflicts are wars, observations of low-intensity conflicts are valuable and should contribute to our understanding of war. Second, 'low-intensity' does not mean trivial. In the MID3 data events are coded by their intensity from level 1 (no action) through 2 (threat of force), 3 (display of force), and 4 (use of force), to 5 (war). We draw the line to include events of level 3 and above; level 3 is defined by 'show of force', 'alert', 'nuclear alert', 'mobilization', 'fortify border', or 'border violation'.⁸ We accept that every field has its technical terms and we see that we violated a norm in using the term 'war' when 'conflict' or 'dispute' would have been more precise. At the same time we see a future in which we will learn to measure and analyse 'a continuum of violence from organized crime through civil conflict to interstate warfare'.⁹ Just as violent behaviour evolves across a continuum of conflict types, it also evolves up and down a continuum of conflict intensities. As economists we are interested in the commonality of conflictual behaviour among states more than in the typology of differences. Gleditsch and Pickering maintain that the events in our data that fall short of war are trivial; they are not on the same continuum as real war. 'In particular', our critics argue: the 'use of force' category in the MID data (that is, level 4) includes events such as fishing disputes where one country's coastguard seizes a vessel from another state. Only 313, or about 20 per cent, of the 1,553 MIDs that involved 'use of force' entail any recorded fatalities. Therefore, MIDs considered to include 'use of force' hardly correspond to what most people

have in mind when they talk about interstate wars.¹⁰ We refute this as follows. While some fishing disputes are included at level 4 ('use of force'), coastguard or policing actions are not typical, and it is wrong to conclude that most disputes at this level are one-sided or bloodless. Of 1,553 level 4 disputes, 844 (or more than half) are recorded as involving reciprocal action; action by one state is followed by counteraction on the part of another. Moreover, the level 4 disputes that lack recorded casualties or reciprocal action include a number of events that most historians would classify as acts of war without question: for example, the German occupation of Czechoslovakia and the Soviet occupations of the Baltic states are recorded as level

4 events with no casualties (or none recorded) and no reciprocal action. As for fatalities, in these cases (and many others), a lack of recorded casualties is just a lack of records. Moving closer to the present, we can analyse the more detailed narratives of level 4 disputes that transpired between 1992 and 2001. Of the 164 disputes described in this category, we can find the word 'fish' or 'boat' in 49 entries (or 30 per cent) but the word 'border' appears in 74 entries (nearly half); we can find the words 'troop', 'soldier', 'forces', 'attack', 'bomb', 'shot', or 'kill' in 109 entries (or two thirds). Thus the general tenor of these events is darker and more ominous than Gleditsch and Pickering imply. It would also be wrong to conclude that all level 3 conflicts ('display of force') are trivial. Of the 119 disputes recorded in this category between 1992 and 2001, only nine involved 'fish' or 'boat'; the word 'border' appears in 58 entries (again, nearly half); we can find the words 'troop', 'soldier', 'forces', 'attack', 'bomb', 'shot', or 'kill' in 67 entries (more than half). Some of these developed into very violent conflict (ID 4083, for example, at the Kenya-Uganda border), or had grave potential to do so (ID 4281, China versus Taiwan).

Conflict is negative-sum interaction, even if it is not a war. Dramatic events can be hard to explain because they are rare. Precisely because low-intensity events occur more frequently, we can hope to find regularities among them that are not apparent from the more salient events. Costly exercises of military force, even those that are mainly symbolic, that are designed to inform international relations by intimidating the adversary, and so to shift the balance of bargaining power, are relatively frequent and should be of interest. From the point of view of trade versus war, even low-intensity disputes signal a state's willingness to risk the two-sided gains from cooperation and impose a deadweight loss in order to extract a possible one-sided gain from conflict. II Gleditsch and Pickering are right, and we acknowledge, that most events in our data fall short of 'war'. Compared with 107 events that reach level 5, we have 1,553 events of level 4 and 569 of level 3 (another 103 are excluded at level 2). As we have explained, the reader should be comfortable with this degree of inclusivity. At the same time it is useful to know how our findings are affected by the variation in intensity. We show this in two ways. Figure 1 reproduces our original time plot of pairwise conflicts; the area shaded grey is the contribution of level 3 disputes, so the profile of the white area below it represents disputes at levels 4 and 5. In figure 1 the considerable annual volatility tends to obscure the implications of changing composition by intensity. Figure 2 shows decadal averages normalized for the total number of disputes in the dataset (including those of level 2 that we did not use) in each period. It shows that disputes of lower intensity were more prevalent in the late nineteenth century, the 1920s, and the last decade of the twentieth century. This is certainly of interest. It confirms that full-scale wars declined as a proportion of all interstate disputes over the twentieth century. It also shows that even in the last decade of the twentieth century the proportion of disputes of lower intensity (levels 2 and 3) remained below that of the late nineteenth century. As we have argued, none of this detracts from our findings. III Gleditsch and Pickering suggest that there are three selection biases in our data. The first arises from the way the Militarized Interstate Disputes dataset codes conflicts of different intensity; as a result, they maintain, trivial events will have been overrepresented: one implication of the MID coding rules is that more severe events are likely to give rise to fewer 'disputes'. Hence, they will be given systematically less weight in Harrison and Wolf's count of disputes. In particular, large scale wars such as the First World War and Second World War constitute a single event in the COW MID dataset (IDs 257 and 258 respectively). By contrast, less serious militarized disputes such as those over the Spratly Islands, an archipelago in the South China Sea constituting approximately five square kilometres of land . . . are held to constitute 12 separate events.¹¹ We refute this as follows. If it were the case, our original time plot (figure 1) would show a reduction in the number of conflict events around the times of the two world wars. Instead, it shows what anyone would expect to see: two spikes of violence. One reason for this is the presence in the data of many level 4 and

5 events that are associated with each world war. The Second World War, for example, is represented by both ID 258 and at least 30 related conflicts starting from the outbreak of the Second World War in Asia with the Marco Polo Bridge incident of 1937 and ending with Mongolia's entry into the war. The 30 conflicts include the Soviet annexations in Poland and the Baltic in 1939/40; the number would rise to 36 if we included the various foreign interventions in the Spanish Civil War in 1937 and the Soviet border wars with Japan (in north China) and Finland in 1939 and 1940. All of these events are rightly in our data. As previously noted, some of them are graded level 4 rather than 5 although any historian would surely count them as acts of war. The other reason why our data show a spike is because ID 258, although a single event, involved many countries and therefore rates highly when counting pairwise conflicts. We count pairwise because we are interested in state formation; when each new state is formed, a new potential is created for conflict with the existing set of country pairs. Of course most of those potential conflicts are never realized, but some are; of those, most count at a low level, but some do not. That is why we count pairwise. It may be true, as Gleditsch and Pickering point out, that 'the distribution of the number of wars is not particularly skewed', but the number of country pairs does have a skew and we use logs in charting them for this reason.¹² The aggregate number of pairs in the Second World War can be counted up as follows. On a first pass, seven Axis countries fought 18 countries that were either Allies or victims of Axis aggression, making 126 pairs; 17 more pairs are added when France changed to the side of the Axis; plus 12 more pairs when Italy, Bulgaria, and Romania changed sides the other way, making a total of 155 pairwise conflicts. Of course these conflicts were not all contemporaneous and every country did not actually fight every other country (but alliance resources were actually or potentially fungible). For these reasons we see no particular risk that our data underrepresent more serious disputes. The Spratly Islands lie at the other extreme. As Gleditsch and Pickering point out, disputes over the Spratlys contribute 12 events to our data, five of them rated at level 4. Twelve would be too many compared with two world wars, but, as we have shown, the world wars contribute many times that number of events. Besides, although only 'an archipelago in the South China Sea constituting approximately five

square kilometres of land', the Spratlys are a far from trivial issue. 'Long a zone of contention among a number of littoral states', The Economist wrote recently, 'the South China Sea is fast becoming the focus of one of the most serious bilateral disputes between America and China'.¹³ Gleditsch and Pickering argue that the MID3 dataset is affected by two other biases. Both, they maintain, lead to underrepresentation of disputes in the early period, and these bias upward our estimate of the rising trend in the data. One source is the concept of a world system of states that had diplomatic relations with the European powers, on which the MID3 data are based. This system did not become truly global until the 1920s, so that some 'extrasytemic conflicts' before this period are omitted.¹⁴ We acknowledge this. We note that this source of underrepresentation was diminishing by the 1870s when our story starts. We also note that we can drop data from the period 1870 to 1914 altogether and still find the upward trend in level 4 and 5 events. The last remaining bias that our critics suggest is at work is that 'lower-level militarised disputes tend to be severely undercounted the further back we go in time, due to systematic differences in the availability of sources'.¹⁵ This is plausible—yet it is directly contradicted by the evidence of figure 2 which shows that lower level disputes are more, rather than less, prevalent in the data as we go back into the nineteenth century. IV We have defended our findings; what do they imply? Our critics do not seriously address our main contribution. This is that state formation is at the heart of many conflicts yet remains neglected in many empirical studies of conflict and war. Moreover, when new states are formed they acquire sovereignty, which is the capacity to decide between peace and war with their neighbours. A historical perspective that goes beyond the temporal and conceptual limits of the available quantitative datasets to include the

early modern period of European history strongly suggests that state formation, democratization, commercialization, and industrialization have interacted with conflict and have had multiple effects on the frequency of conflict, some of which were positive. In the Kantian literature, democracy and free trade change values and incentives in such a way that peace is more likely to be preferred to war. We do not deny the Kantian channels. But evidence also supports the existence of other channels that flow oppositely. Historically, state formation has been tied to national self determination and so to nation-building, promoted through nationalist adventures. State formation has also been tied to the

growth of state capacity, including fiscal capacity to mobilize resources for military purposes. Falling trade costs have disproportionately promoted long distance trade; in turn, this has reduced the cost of disrupting cross-border trade with close neighbours. A growing economic

literature on state capacity introduces the supply side factors in conflict that political science has tended to ignore.¹⁶ A convergence of these literatures would seem to offer great opportunities. In our article we noted specifically

a long-run decline in the relative cost of destructive power. in response, Gleditsch and Pickering note that 'most researchers dispute that there is any simple direct relationship between the costs of armaments and the risk of conflict'.¹⁷ So would we; it is not what we argue. As economists, we might think of trade between two countries (a positive sum game) and conflict (a negative sum game) as alternatives. If that is the choice, then one factor among others is the time trend in cost of the war technology relative to the trade technology. Even if war technology costs are changing at the same rate for all countries, moreover, countries A and B could respond differently to a common change in conflict costs if they faced different marginal trade costs. Our critics go further when they accuse us of neglecting the full costs of war, including 'the destruction caused by war and the opportunity costs of violent conflict', adding 'Any serious analysis of conflict must consider how the full costs of war shape the incentive of actors, and their incentives to reach alternative solutions to contentious issues without the use of violence'.¹⁸ In other words, they maintain, because we left out the dimension of increasing destructive power, we omitted an important factor biasing national choices in favour of peace. But we did not leave it out;

the basis of our argument was exactly that: destructive power . . . has risen even faster than unit costs'¹⁹ We had in mind (but did not articulate) that, as destructive power increases, it raises issues that have been well known since the time of Kahn and Schelling: the advantage of moving first can increase, deterrence and punishment of aggression can lose credibility, and the strategic balance that frames peaceful negotiation can be destabilized.²⁰

Radical Democracy

The impact is radical democracy - it's fluid notions of liberty and equality create the discursive conditions that interrupt even the most normalized forms of oppression and subordination, allowing for new forms of resistance and collective struggle against dominant power relations

Smith 98

(Anna Marie Smith [Assistant Professor of Government at Cornell University], 1998, "Laclau and Mouffe: the radical democratic imaginary," Routledge, Pages 6-10, MX)

Laclau and Mouffe contend that radical democracy is the best route towards progressive social change for the Left today. As we will see, radical democracy embraces many aspects of the socialist tradition. Radical democracy also appropriates the most progressive moments of the liberal democratic, anti-racist, anti-sexist, anti-homophobic and environmentalist traditions as well. As Mouffe argues, "The objective of the Left should be the extension and deepening of the democratic revolution initiated two hundred years ago" (1992a:1). These appropriations are complex and reconstitutive in nature. Radical democratic pluralism does not recognize a theoretical division of labor between these traditions: it does not simply add socialism's economic agenda to liberal democracy's political principles. It values, for example, the Marxist critique of liberal politics (Brown 1995:14) and seeks to respond to pluralist concerns about the effects of central planning. From the authors' perspective, the "democratic revolution" is much more than a series of historical events. Laclau and Mouffe consider it instead as the very condition of possibility for the radicalization of social resistance. Citing Foucault, they recognize that wherever there is power, there is resistance, but they also recognize that resistance can take many different forms. They argue that it is only in specific historical contexts that resistance becomes political in the sense that it begins to aim not only to oppose a specific instance of domination but to put an end to the entire structure of subordination itself (Laclau and Mouffe 1985:152–3). Referring to the politics of contemporary social struggles, Laclau and Mouffe write, There is therefore nothing inevitable or natural in the different struggles against power, and it is necessary to explain in each case the reasons for their emergence and different modulations that they adopt. The struggle against subordination cannot be the result of the situation of subordination itself. (1985:152) Politicized resistance, then, is discursively constructed; subversive practices never automatically follow from the simple fact of exploitation and oppression. The authors' central argument is that a resistance discourse only becomes politicized insofar as the democratic revolution is reappropriated and redefined in specific historical conditions and transferred to the social site in question. Each of these recitations (in the Derridean sense (Derrida 1988)) introduce innovative and contextually specific new meanings into the democratic tradition and yet simultaneously preserves a non-essentialist trace of previous articulations such that every moment of democratic struggle to some extent stands on historically prepared ground. The ability of the oppressed to imagine the complete overthrow of their oppressors depends upon the circulation, radicalization and institutionalization of democratic discourse. Our thesis is that egalitarian discourses and discourses on rights play a fundamental role in the reconstruction of collective identities. At the beginning of this process in the French Revolution, the public space of citizenship was the exclusive domain of equality, while in the private sphere no questioning took place of existing social inequalities. However, as de Tocqueville clearly understood, once human beings accept the legitimacy of the principle of equality in one sphere they will attempt to extend it to every other sphere of life. (Laclau and Mouffe 1990:128) Lefort has similarly argued that democratic discourse on human rights can incite remarkably different forms of emancipatory struggles. Writing in the late 1970s, Lefort was inspired by both the 1968 popular protests in France and the struggles of Chinese and Soviet dissidents. He rejected the view that was, at that time, predominant among the leaders of the French Left. The latter assumed that the subject of rights is by definition the possessive and atomistic individual of capitalist society; they therefore concluded that demands for human rights are ultimately bourgeois and reformist in character (Lefort 1986:242–3). Lefort insisted instead that rights should not be regarded as if they were already fully established institutions with fixed meanings, and that notwithstanding its origins in bourgeois liberal discourse, the concept of human rights can be enormously expanded. The struggles for human rights have always been open-ended: in the nineteenth and twentieth centuries, subjects with a long history of struggle such as workers, peasants, slaves and the colonized took on new identities—as trade union members, citizens, anti-colonial nationalists, anti-imperialist internationalists, and so on—as they demanded rights in innovative ways. New subjects also emerged—women, racial/ethnic minorities within nation-states, peace activists, environmentalists, lesbians and gays—and framed their rights-based claims in language borrowed from previous struggles. By its very nature, the whole project of securing official

recognition for human rights remains contested and incomplete. This is even more true today as reactionary forces continue to gain strength in many contemporary political formations and threaten to empty the emancipatory content out of the “rights” that they claim to uphold. Lefort calls human rights the “generative principles of democracy” for it is through the promotion of an “awareness of rights”—the dissemination of democratic discourse to new areas of the social, the radicalization of the concept of human rights, and the institutionalization of democratic principles—that disempowered political subjects can win their struggles for recognition (Lefort 1986:260). Laclau and Mouffe’s position vis-à-vis the subversive effect of the democratic revolution can be clarified by examining their distinction between relations of subordination and relations of oppression. In the former, a social agent is subjected to the will of another, but does not see the subordinating agent as someone who blocks her from fully realizing her identity. In the latter case, the social agent is also subjected to the will of another, but she recognizes that that relation of subordination is indeed an antagonistic one, for she believes that that relation is stopping her from developing her identity. To achieve this profound shift in her perspective, she must have access to the tools that allow her, first, to envision a world that lies beyond subordination and to imagine what she could become in that alternative space, second, to analyze the ways in which she has become caught up in and thwarted by the relation of subordination, and third, to grasp the possibilities for collective struggle to overthrow the entire subordinating structure. As an example of this difference, Laclau and Mouffe point to the fact that women have been subjected to male authority for centuries, and have engaged in many forms of resistance against that authority, but that that relation of subordination was transformed into a relation of oppression only when a feminist movement based on the liberal democratic demand for equality began to emerge (1985:153–4). In another illustration, they consider the differences between the workers’ struggles that have sought limited reforms as opposed to those that have challenged the entire capitalist system (1985:156–8, 167–8). Their point is that in itself, the experience of subordination does not guarantee that the subordinated social agent will develop a radical perspective vis-à-vis her subjection. The subordinated agent only becomes radicalized when she finds a compelling political discourse that gives an effective account for her condition, provides her with the critical tools that she needs to join with others in constructing an alternative world, and shows her how the entire subordinating structure might be overthrown through collective struggle. It is precisely a radicalized interpretation of the principles of liberty and equality that can interrupt relations of subordination in this manner. Radical democratic discourse thereby creates the discursive conditions in which even the most normalized forms of subjection can be viewed as illegitimate and the elimination of subordination can be imagined. As we will see in Chapter 4, democratic discourse is also marked by an irresolvable tension, for there will always be some degree of incompatibility between liberty claims and equality claims. For Laclau and Mouffe, however, this tension is not a fatality but a vital resource for radical democracy. As mere ideas, “liberty” and “equality” do not change anything. Democratic discourse cannot exert this interruption effect upon relations of subordination until the democratic imaginary becomes embodied in norms and institutions.¹ The extension of democratic principles into new spheres of the social² did not take place until actual democratic struggles won some concrete strategic ground through political struggle.

Political struggle does nevertheless depend in part on the ability to imagine alternative worlds. Laclau and Mouffe locate the first significant advance of liberal democracy in the French Revolution, for it was in this moment that the ancien régime was displaced by a new order whose political legitimacy was based on nothing other than the “rule of the people” (1985:155). As the ideas of liberty and equality were given a material life by becoming embodied in more and more political practices and institutions, it became possible for increasing numbers of people to take up a democratic imaginary that allowed them to envision their worlds differently. This break with the ancien régime, symbolized by the Declaration of the Rights of Man, would provide the discursive conditions which made it possible to propose different forms of inequality as illegitimate and antinatural, and thus make them equivalent as forms of oppression. (Laclau and Mouffe 1985:155) The authors depict the democratic principles of liberty and equality as a “fermenting agent.” Once they were institutionalized in one context, these principles were spread to other sites with an accelerating chain-reaction effect (1985:155). Referring again to Tocqueville, Laclau and Mouffe state that “It is not possible to conceive of men as eternally unequal among themselves on one point, and equal on others; at a certain moment, they will come to be equal on all points” (1985:156).³ Hence the multiple appropriations of democratic discourse: nineteenth-century English workers drew inspiration from the French Revolution, abolitionists cited the American Constitution, and suffragettes combined the myth of a morally pure feminine nature with Enlightenment ideals. American civil rights leaders of the 1960s borrowed from various sources: the Anglo-American liberal democratic tradition, radical religious discourse, anti-racist and anti-imperialist resistance, and socialist discourse. Contemporary feminists, progressive lesbians and gays, environmentalist activists and radical trade union leaders in the United States now fashion much of their political discourse out of elements borrowed from the civil rights movement. The success of these circulations, appropriations and radicalizations of the democratic imaginary depends largely on historical conditions. The new social movements, for example, have brought a whole new field of demands onto the political agenda in the 1960s and 1970s. They owed much of their effectiveness to the ambiguous effects of the commodification of social life, the rise of the interventionist state, and the expansion of mass communication (Laclau and Mouffe 1985:159–71). Because the extension of the democratic revolution depends in part on the contingencies of historical conditions, its extension into new areas of the social is not guaranteed (Laclau and Mouffe 1985:158, 168). Instead of proceeding in definite stages or unfolding according to a single logic, democratic struggles are shaped by local conditions, historical peculiarities and the uncertainties of political contestation. As we now witness the rise of the new right, the neo-conservatives, and the religious right, along with the resurgence of many types of sexism and racism, we also have to consider the possibility that much of the liberatory and egalitarian potential of the democratic revolution may be eviscerated as these forces attempt to impose their own reactionary definitions of “liberty” and “equality.” Laclau and Mouffe’s conception of radical democratic pluralism can be further clarified through an exploration of the work of leftist theorists who have attempted to construct a new hybrid democratic theory through the “retrieval” of the most progressive aspects of the liberal democratic and socialist traditions. Like the “retrieval”

theorists, Laclau and Mouffe argue that the liberal-democratic definition of human rights is open to contestation: just as the unfixedness of this definition is now permitting various right-wing redefinitions, that same unfixedness also allows for radical democratic appropriations (1985:176). Mouffe asserts that Macpherson became a key figure in contemporary political theory precisely through his work on the radical potential of liberal democracy (1993b: 102). In the following section, Macpherson’s political theory and the “retrieval” tradition will be discussed. The hybrid and complex character of both the liberal democratic and socialist traditions, as well as the illegitimacy of the neo-conservative alternative, will then be considered. An initial sketch of radical democratic pluralist strategy and the processes through which imperfect democratic societies can be radically democratized will be offered. Finally, it will be argued that the mere addition of extra elements to an otherwise unchanged Marxist theory would be insufficient for radical democratic pluralist thought.

The project of radical democracy is a never ending process of the identity construction aimed at creating a political we - it won't be a smooth battle for inclusion and our pluralism recognizes the impossibility of perfection but vote aff to join us in the never-ending project for equality

Mouffe 92

(Chantal Mouffe [Professor of Political Theory at the University of Westminster], 1992, "Democratic Citizenship and the Political Community," Miami Theory Collective, http://uciteljneznalica.org/upload/ebook/110_Democratic%20Citizenship%20and%20the%20Political%20Community%20-%20Chantal%20Mouffe.pdf, Pages 79-82, MX)

What becomes of the idea of citizenship in such a perspective? If we understand citizenship as the political identity that is created through identification with the respublica, a new conception of the citizen becomes possible. First, we are now dealing with a type of political identity, a form of identification, and no longer simply with a legal status. The citizen is not, as in liberalism, someone who is the passive recipient of specific rights and who enjoys the protection of the law. It is not that those elements become irrelevant, but the definition of the citizen shifts because the emphasis is put on the identification with the respublica. It is a common political identity of persons who might be engaged in many different purposive enterprises and with differing conceptions of the good, but who accept submission to the rules prescribed by the respublica in seeking their satisfactions and in performing their actions. What binds them together is their common recognition of a set of ethico-political values. In this case, citizenship is not just one identity among others—as in liberalism—or the dominant identity that overrides all others—as in civic republicanism. It is an articulating principle that affects the different subject positions of the social agent (as I will show when I discuss the distinction public/private) while allowing for a plurality of specific allegiances and for the respect of individual liberty. Since we are dealing with politics, however, there will be competing forms of identification linked to different interpretations of the respublica. In a liberal democratic regime, we can conceive of the respublica as constituted by the political principles of such a regime: equality and liberty for all. If we put such a content into Oakeshott's notion of respublica we can affirm that the conditions to be subscribed to and taken into account in acting are to be understood as the exigency of treating the others as free and equal persons. This is clearly open to potentially very radical interpretations. For instance, a radical democratic interpretation will emphasize the numerous social relations where relations of domination exist and must be challenged if the principles of liberty and equality are to apply. It should lead to a common recognition among different groups struggling for an extension and radicalization of democracy that they have a common concern and that in choosing their actions they should subscribe to certain rules of conduct; in other words, it should construct a common political identity as radical democratic citizens. The creation of political identities as radical democratic citizens depends, therefore, on a collective form of identification among the democratic demands found in a variety of movements: women, workers, black, gay, ecological, as well as in several other "new social movements." This is a conception of citizenship that through a common identification with a radical democratic interpretation of the principles of liberty and equality aims at constructing a "we," a chain of equivalence among their demands so as to articulate them through the principle of democratic equivalence. For it is a matter not of establishing a mere alliance between given interests but of actually modifying the very identity of these forces. This is something many pluralist liberals do not understand because they are blind to relations of power. They agree on the need to extend the sphere of rights in order to include groups hitherto excluded, but they see that process as a smooth one of progressive inclusion into citizenship. This is the typical story as told by T. H. Marshall in his celebrated article "Citizenship and Social Class." The problem with such an approach is that it ignores the limits imposed on the extension of pluralism by the fact that some existing rights have been constituted on the very exclusion or subordination of the rights of other categories. Those identities must first be deconstructed if several new rights are to be recognized. To make possible a hegemony of the democratic forces, new identities are therefore required and I am arguing here in favor of a common political identity as radical democratic citizens. By that I understand a collective identification with a radical democratic interpretation of the principles of the liberal-democratic regime: liberty and equality Such an interpretation presupposes that those principles are understood in a way that takes account of the different social relations and subject positions in which they are relevant: gender, class, race, ethnicity, sexual orientation, and so on. Such an approach can only be adequately formulated within a problematic that conceives of the social agent not as a unitary subject but as the articulation of an ensemble of subject positions, constructed within specific discourses and always precariously and temporarily sutured at the intersection of those subject positions. Only with a non-essentialist conception of the subject which incorporates the psychoanalytic insight that all identities are forms of identification can we pose the question of political identity in a fruitful way. A non-essentialist perspective is also needed concerning the notions of respublica, societies, and political community. For it is crucial to see them not as empirical referents but as

discursive surfaces Failure to do so would make the type of politics that is posited here completely incomprehensible. this is the point where a radical democratic conception of citizenship connects with the current debates about "postmodernity" and the critique of rationalism and universalism. The view of citizenship I am proposing rejects the idea of an abstract universalist definition of the public, opposed to a domain of the private seen as the realm of particularity and difference. It considers that, although the modern idea of the citizen was indeed crucial for the democratic revolution, it constitutes today an obstacle to its extension. As feminist theorists have argued, the public realm of modern citizenship has been constructed on the very negation of women's participation. This exclusion was seen as indispensable to postulate the generality and universality of the public sphere. The distinction public/private, central as it was for the assertion of individual liberty, also led to identifying the private with the domestic and played an important role in the subordination of women. To the idea that the exercise of citizenship consists in adopting a universal point of view, made equivalent to Reason and reserved for men, I am opposing the idea that it consists in identifying with the ethico-political principles of modern democracy and that there can be as many forms of citizenship as there are interpretations of those principles. In this view, the public/private is not abandoned but reformulated. Here again, Dakeshott can help us to find an alternative to the limitations of liberalism. Societas is, according to him, a civil condition in which every enterprise is "private" while never immune from the "public" conditions specified in respublica. In a societas, "every situation is an encounter between 'private' and 'public,' between an action or an utterance to procure an imagined and wished-for substantive satisfaction and the conditions of civility to be subscribed to in performing it; and no situation is the one to the exclusion of the other" (183). The wants, choices, and decisions are private because they are the responsibility of each individual, but the performances are public because they are required to subscribe to the conditions specified in the respublica. Since the rules of the respublica do not enjoin, prohibit, or warrant substantive actions or utterances, and do not tell agents what to do, this mode of association respects individual liberty. But the individual's belonging to the political community and identification with its ethico-political principles are manifested by his or her acceptance of the common concern expressed in the respublica. It provides the "grammar" of the citizen's conduct. In the case of a radical democratic citizen, such an approach allows us to envision how a concern with equality and liberty should inform one's actions in all areas of social life. No sphere is immune from those concerns, and relations of domination can be challenged everywhere. Nevertheless, we are not dealing with a purposive kind of community affirming one single goal for all its members, and the freedom of the individual is preserved. The distinction between private (individual liberty) and public (respublica) is maintained as well as the distinction individual/citizen, but they do not correspond to discrete separate spheres. We cannot say: here end my duties as a citizen and begin my freedoms as an individual. Those two identities exist in a permanent tension that can never be reconciled. But this is precisely the tension between liberty and equality that characterizes modern democracy. It is the very life of such a regime, and any attempt to bring about a perfect harmony, to realize a "true" democracy, can only lead to its destruction. This is why a project of radical and plural democracy recognizes the impossibility of the complete realization of democracy and the final achievement of the political community. Its aim is to use the symbolic resources of the liberal democratic tradition to struggle for the deepening of the democratic revolution, knowing that it is a never-ending process. My thesis here has been that the ideal of citizenship could greatly contribute to such an extension of the principles of liberty and equality. By combining the ideal of rights and pluralism with the ideas of public-spiritedness and ethico-political concern, a new modern democratic conception of citizenship could restore dignity to the political and provide the vehicle for the construction of a radical democratic hegemony.

Other Stuff

Asteroid threat discourse justifies the militarization of space

Mellor 7

(Felicity Mellor [PhD in theoretical physics from Newcastle University and was a lecturer in astronomy at Sussex University before deciding to focus on critical analyses of science], 2007, "Colliding Worlds: Asteroid Research and the Legitimization of War in Space," *Social Studies of Science* 37/4, Pages 520-522, MX)

During the 1980s and 1990s, a small group of planetary scientists and astronomers set about actively promoting the asteroid impact threat. They drew on an expanded empirical base, but also on narratives of technological salvation. Despite their concerns that their warnings were greeted by a 'giggle factor' and that funding remained too low, they succeeded in capturing the attention of the media and of some policy-makers and in establishing the impact threat as a legitimate and serious topic for scientific study. By the eve of the new millennium, the meaning of asteroids had undergone a significant transformation. Asteroids had gone from being distant relics of Solar System history to being a hidden enemy that could strike at any time with catastrophic consequences. The reconceptualization of asteroids was accompanied by a reconceptualization of both space and astronomy. In Newtonianism, space had been conceived as an empty geometrical abstraction in which God's handiwork was displayed to the knowing observer. Space was both predictable and distant. Now, with the promotion of the impact threat, space was configured as the source of an enemy against which we must defend ourselves. This threatening conception of space matched the conception of space as a theatre of war promoted by the supporters of SDI. Space had become a place, a technologized location for human action where wars could be fought and human salvation sought. Thus astronomy was also reconceptualized. Further developing the violent metaphors already appropriated by impact-extinction theory (Davis, 2001), astronomers recast their role as impassioned prophets of doom and saviours of mankind rather than as cold calculators of cosmic order. Traditionally, Solar System astronomy had dealt with the grand narratives of planetary history and the timeless certainties of celestial dynamics. The technologies of astronomy – telescopes and, later, space probes – were the tools through which new knowledge had been sought. They were not, on the whole, instruments of action. Now, however, astronomy was to be prophetic and interventionist. As comets had been in a far earlier period, both asteroids and comets were now treated as 'monsters' – portents of Earthly calamities. It was the purpose of planetary astronomy to watch for these portents. Equally, it was the duty of astronomers to warn the unsuspecting public and to intervene to save the world. Planetary astronomy was transformed from the passive observation of the heavens to the active surveillance of the heavens, and the instruments of astronomy were to be supplemented with the technologies of war. By the 1980s and 1990s, asteroid science, defence science and science fiction all presented space as an arena for technological intervention where an invisible enemy would be defeated for the greater good of mankind. Science fiction provided a culturally available resource that could give concrete form to the ideas of both asteroid scientists and weapons designers. Through narrative, the timeless and universal speculations of science could be converted into a specific sequence of events. By drawing on narratives of technological salvation, asteroid scientists made their case more compelling, but they also became dependent on narrative scenarios shared by the defence scientists. Even as the scientists themselves attempted to pull back from concrete proposals for weapons systems, their own discourse irresistibly drew them towards the militaristic intervention demanded by the narrative imperative. The identification of asteroids as a threat required a military response. Astronomer Duncan Steel (2000b), writing about the impact threat in *The Guardian* newspaper, put it most clearly when he stated that 'we too need to declare war on the heavens'. Just as the overlap between science and science fiction was mutually supportive, so the overlap between impact science and defence helped legitimize both. Civilian scientists could draw on a repertoire of metaphors and concepts already articulated by the defence scientists to help make the case for the threat from space. They would no longer be a marginalized and underfunded group of astronomers, but would take on the ultimate role of defending the world. Similarly, in the context of the impact threat, the defence scientists could further develop their weapons systems without being accused of threatening the delicate nuclear balance of mutually assured destruction or, in the period between the fall of the Soviet Union and the 9/11 attacks, of irresponsibly generating a climate of fear in the absence of an identifiable enemy. The civilian scientists attempted to still their consciences in their dealings with the defence scientists by suggesting that, with the end of the Cold War and the demise of SDI, the latter had lost their traditional role. This argument was naive at best. In fact, as we have seen, the US defence scientists had taken an interest in the impact threat since the early 1980s, from the time that SDI had greatest political support during the defence build-up of the Reagan era. Even at the time of the fractious Interception Workshop, George H.W. Bush was maintaining SDI funding at the same level as it had been during the second Reagan administration. If outwardly the Clinton administration was less supportive when it took office in 1993 and declared that SDI was over, many of those involved in the programme felt that it would actually go on much as before (FitzGerald, 2000: 491). SDI was renamed, and to some extent reconceived, but funding continued and was soon increased when the Republicans gained a majority in Congress.³³ After George W. Bush took office in 2001, spending on missile defence research was greatly increased, including programmes to follow on from Brilliant Pebbles (Wall, 2001a; 2001b). Thus the defence scientists had shown an interest in the impact threat from the time of the very first meeting onwards, regardless of the state of funding for missile defence, which in any case continued throughout the Mellor: *Colliding Worlds* 521 Downloaded from sss.sagepub.com by guest on July 24, 2015 period. This is not to suggest that the impact threat was not used by the defence scientists as a means of maintaining the weapons establishment. Indeed, the impact threat offered a possible means of circumventing or undermining arms treaties.³⁴ But it does mean that the attempt to access new sources of funding, while being an important factor in the promotion of asteroids as a threat, did not fully explain either the weapons scientists' interests or the civilian scientists' repeated meetings with them. The asteroid impact threat offered a scientifically validated enemy onto which could be projected the fears on which a militaristic culture depends. Far from providing a replacement outlet for weapons technologies, the promotion of the asteroid impact threat helped make the idea of war in space more acceptable and helped justify the continued development of spacebased weaponry. Arguably, with the Clementine and Deep Impact missions, the asteroid impact threat even facilitated the testing of SDI-style systems. The asteroid impact threat legitimized a way of talking, and thinking, that was founded on fear of the unknown and the assumption that advanced technology could usher in a safer era. In so doing, it resonated with the politics of fear and the technologies of permanent war that are now at the centre of US defence policy. In this post-Cold War period, scholars of the relation between military and civilian science need to examine carefully claims about 'ploughshare' or 'conversion' technologies. New technologies arise not just out of funding and policy decisions, but also

out of the social imaginaries in which new weapons can be imagined and construed as necessary Concepts such as

'dual use' or 'cover' also need to be assessed critically.³⁵ One way of characterizing the Clementine missions would be as dual-use technologies whose scientific aims served as cover for the testing of SDI technologies. Yet this fails to reveal the ways in which these missions were just one concrete output of a more fundamental conceptual alliance between weapons designers and astronomers. In this paper, I have attempted to show that by also considering the narrative context in which such initiatives are located, it is possible to throw some light on the cultural web that binds civilian science to military programmes. But the focus on narrative also begs a question: Which stories would we prefer to frame our science? Should science be driven by fear or by curiosity? Should it be aimed at creating technologies of war or cultures of compassion? These are normative questions, but they are also precisely the questions that make the military influence on science such an important issue. Narratives are inherently ideological and a refusal to see them as such does no more to enhance the scholar's objectivity than it does the scientist's.

The stories told by the asteroid scientists led them into collaborations with weapons scientists and helped fuel a discourse of fear that served a particular ideological purpose. This should be both recognized and
challenged , not for the sake of

Plan Popular

Whistleblower protection is uniquely bipartisan- no link to politics.

Canterbury 12- Director of Public Policy, is an experienced advocate, policy analyst, and public campaign strategist (Canterbury, Angela; Advocates Laud President Obama's Signing of Federal Whistleblower Reforms; 12/03/12; POGO; 06/12/15; www.pogo.org/about/press-room/releases/2012/20121203-advocates-laud-president-whistleblower-reforms.html?referrer=https://www.google.com/) JG

President Obama signed the Whistleblower Protection Enhancement Act (WPEA, S. 743) into law today, marking the finale of a more than decade-long campaign by the Make It Safe Coalition to restore and modernize federal whistleblower protections. The President's unwavering support of the WPEA, paired with Congress' sweeping endorsement by unanimous consent, demonstrates the strong mandate for a new day of accountability in the federal government. These reforms expand protections for federal employees who disclose wrongdoing and protect the public trust. ¶ Whistleblower advocates from organizations with diverse interests and ideologies who together waged a historic campaign for this landmark government accountability reform are enthusiastic about this victory for whistleblowers and taxpayers. ¶ Beth Moten, Legislative Director for American Federation of Government Employees, commented: "AFGE applauds the bipartisan, collaborative work of members of Congress, a diverse coalition of worker advocates and good government groups, and the Obama Administration resulting in the bill signed into law today. The Whistleblower Protection Enhancement Act provides many of the changes in law necessary to protect federal workers when they come forward to report fraud, waste, and wrongdoing in the workplace and to hold managers accountable when they retaliate. AFGE is especially pleased that the law applies to Transportation Security Officers, the federal workers dedicated to the safety of the flying public, and provides them with the same whistleblower protections as other federal workers." ¶ Tom Devine, Legal Director of Government Accountability Project, commented: "This reform took 13 years to pass, because it can make so much difference against fraud, waste and abuse. Over the years, earlier versions of this law had been called the Taxpayer Protection Act.

Nothing could set a better context for fiscal cliff negotiations than a unanimous, bipartisan consensus to protect those who risk their careers to protect the taxpayers. The mandate for this law is that the truth is the public's business. The victory reflects strong bipartisan teamwork, as well as advocacy within the party, as Republicans often had to work harder at convincing wary colleagues. And it reflects relentless pressure from conservative stakeholders to whistleblowers and their champions throughout the last 13 years. Unique support came from President Obama, who was committed from day one of his term to signing this bill into law. Most Presidents have offered lip service for whistleblower rights, but President Obama fought to give them more

teeth." ¶ Michael D. Ostrolenk, National Director of Liberty Coalition, commented: "With a lack of cooperation as a starting point in our present day political system, it's good to see a positive bi-partisan effort come to fruition. One cheer for President Obama, the Republican held House, and Democrat controlled Senate, and two cheers for the American people." ¶ Pete Sepp, Executive Vice President of National Taxpayers Union, commented: "Today an important chapter in the struggle to recognize whistleblowers for the tremendous service they provide taxpayers has been concluded. This bipartisan effort is proof positive that fiscal responsibility can be restored to Washington, one step at a time. We look forward to helping write the next chapter in the vital national conversation over how best to make government more efficient and accountable." ¶ Colleen M. Kelley, National President of National Treasury Employees Union, commented: "This bi-partisan effort represents a big step forward in restoring and modernizing whistleblower rights for federal workers. For example, it creates specific legal protection for scientific freedom, providing whistleblower protection rights to employees who challenge censorship, and makes it an abuse of authority to punish disclosures about scientific censorship. By protecting those who speak out, this law increases accountability and transparency in government." ¶ Angela Canterbury, Director of Public Policy for the Project On Government Oversight (POGO), commented: "Today marks a tremendous victory for a historic campaign for more government accountability. The reforms signed into law today will go a long way to change the fact that for far too long the truth about government wrongdoing could easily be suppressed through intimidation and retaliation against the truth-tellers. Federal workers will now have a fighting chance at justice when they face retaliation for blowing the whistle on waste, fraud, abuse, and other illegalities. Americans should be encouraged by this law's passage—it demonstrates extraordinary support for a better government that transcends the partisanship that so often characterizes Washington today. Today, the public's trust, health, and safety were put before politics." ¶ Keith Wrightson, Worker Safety and Health Advocate for Public Citizen's Congress Watch, commented: "President Obama and the 112th Congress have made a significant contribution to how civil employees will be treated when they identify workplace hazards. Civil employees can now live without fear of retaliation from their supervisors when disclosures are made." ¶ David Williams, President of Taxpayers Protection Alliance, commented: "This is a historic day for whistleblowers and taxpayers as the President signs

the Whistleblower Protection Enhancement Act. Bi-partisan common sense prevailed and the country is one step closer to being a government of the people, by the people, for the people." ¶ Celia Wexler, Senior Washington Representative, Center for Science and Democracy, Union of

Concerned Scientists, commented: "At a time when science seems to be routinely under attack in Congress, this legislative success is a breath of fresh air and a reminder that bipartisan cooperation is still possible. Passage of this bill will help American families, who depend on federal agencies to protect them from unsafe drugs, defective consumer products, hazardous workplaces, and polluted air and water. But it also strongly supports the role of independent science as the foundation for federal policymaking. It sends a strong signal that federal scientists deserve respect." ¶ The WPEA includes critically important upgrades to the broken system for federal whistleblowing to better serve

taxpayers. Though it does not include every reform that we have sought and will continue to seek, the bill will restore and modernize government whistleblower rights by ensuring that legitimate disclosures of wrongdoing will be protected, increasing government accountability to taxpayers, and saving billions of taxpayer dollars by helping expose fraud, waste and abuse. Overall, the WPEA's provisions will restore free speech rights closed through arbitrary loopholes and create new protections for federal scientists and Transportation Security Administration officers. The bill also will strengthen due process rights, such as a two-year experiment in normal access to appeals courts (effectively breaking the Federal Circuit's monopoly on appellate review); provide compensatory damages; create whistleblower ombudsmen at Inspectors General offices; and strengthen authority by the U.S. Office of Special Counsel to help whistleblowers through disciplinary actions against those who retaliate and to file briefs in court supportive of whistleblower rights. ¶ This hard fought victory could not have been achieved without the steadfast support of whistleblowers, advocates and nongovernmental organizations alike, who demonstrated a marathon commitment to the restoration of federal whistleblower protections throughout this more than a decade-long campaign. Congressional champions and their staff deserve praise and appreciation, especially retiring Sen. Daniel Akaka (D-Hawaii) and Rep. Todd Platts (R-Pa.), as well as Sens. Susan Collins (R-Maine), Charles Grassley (R-Iowa), Joseph Lieberman (I-Ct.), Claire McCaskill (D-Mo.), Patrick Leahy (D-Vt.) and Carl Levin (D-Mi.), and Reps. Darrell Issa (R-Cal.), Todd

Platts (R-Pa.), Chris Van Hollen (D-Md.) and Elijah Cummings (D-Md.). A full list of Congressional sponsors can be viewed here: <http://bit.ly/TqylCe>. We cannot thank the whistleblower community and these Congressional offices enough for their resolute commitment to the WPEA.

Further Congressional FDA oversight garners bipartisan support.

Norman 13- a health care reporter for POLITICO Pro. Before joining POLITICO, he worked as a science writer at The Rockefeller University; (Norman, Brett; 5/10/13; Senate FDA oversight bill has bipartisan backing; POLITICO; 06/12/15; www.politico.com/story/2013/05/senate-fda-oversight-bill-has-bipartisan-backing-91161.html) JG

A Senate panel continued to build the case ^{Thursday} for giving the Food and Drug Administration broad authority to crack down on compounding pharmacies

like the one behind the deadly fungal meningitis outbreak, pledging to pass a bill before Memorial Day. ¶ Unlike the House, where the legislative outlook is less clear, the Senate Health, Education, Labor and Pensions Committee has bipartisan support to bolster FDA oversight of facilities like the New England Compounding Center, which was linked to the contaminated steroid injections last fall that sickened more than 700 people and killed over 50. ¶ Continue Reading ¶ Text Size ¶ +reset ¶ Latest on POLITICO ¶ Longtime Rep. Phil Crane dies at 84 ¶ Cantor: Obama 'incendiary' on immigration ¶ Obama's big trade moment ¶ Obama: 'The buck stops right here' ¶ Airstrikes target ISIL leaders in Iraq ¶

DWS pledges party review ¶ HELP Chairman Tom Harkin (D-Iowa) and ranking member Lamar Alexander (R-Tenn.) support draft

legislation that would create a new category of pharmacy, so-called compounding manufacturers, and require the facilities to register with the FDA and be subject to agency oversight.

Both state boards of pharmacy, which are responsible for regulating traditional pharmacy compounding, and the FDA say the move is critical to prevent another outbreak. ¶ "Make no mistake, I'm here to tell you, in the absence of changes, this will happen again," Janet Woodcock, the FDA's drug chief, testified Thursday. "There is no doubt about this." ¶ Since the outbreak, FDA has launched a campaign of high-profile inspections of compounders nationwide that have led to several recalls. House Republicans cited those inspections at a hearing last month as proof that the FDA has all the authority it needs if the agency chooses to use it. Several lawmakers suggested that no new legislation was required. ¶ But on Thursday, Carmen Catzone, CEO of the National Association of Boards of Pharmacy, reinforced a point made repeatedly by FDA

Commissioner Margaret Hamburg that state and federal responsibilities have been blurred, creating dangerous gaps in oversight. He said it's critical that their regulatory roles be sharply defined to prevent future outbreaks. ¶ The goal, Alexander said, is to "make sure we know who's on the flagpole, who's accountable, to eliminate any confusion

about who's responsible." ¶ Under the draft bill, a compounding manufacturer is defined relatively narrowly as a facility that makes sterile drugs without individual prescriptions and sells them across state lines. In contrast, the compounding that takes place in a traditional pharmacy is used to make drugs in a form not produced by a manufacturer to meet an individual patient's needs. Pharmacies might compound products to address the smaller dosage needs for children, for instance, or people with certain allergies, all based on explicit instructions from a physician. ¶ That traditional role has evolved over at least the past 15 years as hospitals and clinics have increasingly outsourced their compounding needs to facilities that make large batches of drugs. ¶ But even in the bipartisan draft, not all of the issues are settled. ¶ The bill would provide an exemption from the regulations for hospital systems that compound drugs and ship them across state lines so long as the products remain within the system. ¶ David Miller, CEO of the International Academy of Compounding

Pharmacists, said at the hearing that the standards should be consistent and opposed that exemption. Some pharmacists also oppose the creation of a "do not compound" list of drugs the FDA believes are too risky. ¶ Catzone argued that the FDA should

be responsible for facilities that make large batches of sterile drugs and sell them within the state as well as across state lines. ¶ And Harkin said the "same forces" that have derailed past efforts to bolster regulation of compounders "are back at it again," noting

that senators have received about 2,000 emails, many citing "myths" about the draft proposal. ¶ But Republicans and Democrats were confident the bill will pass. ¶

"We're close," said Sen. Pat Roberts (R-Kan.), who has pushed for reforming the regulation of compounders in the past and supports the current effort.

Whistleblower protection is bipartisan – empirics prove

Blaylock 2015 – Dylan Blaylock, Community Relations Specialist, Clackamas County Department of Public & Government Affairs (February 25, 2015, "GAP Applauds Senate Whistleblower Protection Caucus"

[//CEB">http://www.commondreams.org/newswire/2015/02/25/gap-applauds-senate-whistleblower-protection-caucus\)//CEB](http://www.commondreams.org/newswire/2015/02/25/gap-applauds-senate-whistleblower-protection-caucus)

GAP and the Make It Safe Coalition strongly endorse the establishment of the Whistleblower Protection Caucus. Historically, whistleblower protections have enjoyed bipartisan support, as demonstrated through unanimous passage of the Whistleblower Protection Enhancement Act of 2012. Still, whistleblowers risk their professional, and at times, personal freedom when they disclose government misconduct. In Chairman Grassley's words, "We need to help create a culture where the contributions of whistleblowers are valued and their rights are respected." GAP legal director Tom Devine praised the new Senate "Group of Ten's" leadership on the issue. Devine stated: "Whistleblower protection may be the only issue in Congress with bipartisan, trans-ideological support. Thanks to this group's leadership, all

Senators will have access to the latest research, case studies and developments. This is an invaluable base for legislation, hearings, training and constituent support. The Whistleblower Protection Caucus will have our community's full support."

Surveillance of whistleblowers is a non-partisan issue that both parties think is despicable

Issa 14 (Honorable Darrel E. Issa, Chairman of committee of California, Republican Representative for California's 49th district, serving since 2001; Congressional Hearing before the Committee on Oversight and Government Reform House of Representatives; Second Session of the 113th Congress; "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers"; Serial No. 113-88; February 26, 2014; <http://www.gpo.gov/fdsys/pkg/CHRG-113hrg87176/pdf/CHRG-113hrg87176.pdf>)/HB

Today's hearing is about a questionable practice at the FDA, one that has been under investigation for over 2 years—or almost 2 years, July of 2012, by the Inspector General, one that we do not consider to be political in any way, shape, or form, or partisan in any way, shape, or form. We consider it to be questionable, if not despicable, that whistleblowers, a known whistleblower and others, appear to have been targeted for an investigation proactively monitoring, effectively a wiretap on their computers, in order to see if they could get the dirt on employees so that they could take action.

Surveillance of and protection for whistleblowers is not a partisan topic

Cummings 14 (Elijah E. Cummings, Maryland, Ranking Minority Member of the Committee on Oversight and Government Reform; Congressional Hearing before the Committee on Oversight and Government Reform House of Representatives; Second Session of the 113th Congress; "Limitless Surveillance at the FDA: Protecting the Rights of Federal Whistleblowers"; Serial No. 113-88; February 26, 2014; <http://www.gpo.gov/fdsys/pkg/CHRG-113hrg87176/pdf/CHRG-113hrg87176.pdf>)/HB

Mr. CUMMINGS. As I said earlier, this has not traditionally been a partisan topic, I don't think. You and Senator Akaka both sponsored the Whistleblower Protection Enhancement Act, and Chairman Issa and I sponsored the House version of that bill. I assume you agree that we accomplish much more when we are working together.

AT: Circumvention

FDA circumvents but plan solves- More whistleblowers and Congressional action are key

HOUSE SUBCOMMITTEE 07 (US Senator Chuck Grassley, R- Iowa- Chairman of the Senate Judiciary Committee; (Tuesday, February 13, 2007; House Of Representatives, Subcommittee On Oversight And Investigations, Committee On Energy And Commerce; Washington, D.C., The Adequacy Of Fda To Assure The Safety Of The Nation's Drug Supply; <http://www.gpo.gov/fdsys/pkg/CHRG-110hhr35502/pdf/CHRG-110hhr35502.pdf>; 07/10/15) JG

Mr. STUPAK. Thank you. On your testimony, you catalog your personal experience with FDA's suppression of independent researchers' opinions, harassment of whistleblowers, persistent refusal to produce documents in response to your request in your capacity as chairman of the Senate Finance Committee. So with respect to Ketek, you say that you learned that the FDA gave its advisory committee questionable data on Ketek and did not tell them about the problems with the data. FDA approved Ketek without much safety data from the U.S., that Ketek's sponsor, in all likelihood was aware of the fact that it had submitted some questionable data to the FDA regarding its large safety study. Senator, your experience with the FDA simply refusing to respond to subpoenas, refusing to produce documents and other information to aid your investigation is astonishing. I gather this was not an isolated incident, but occurred on numerous occasions and that the FDA is still refusing to give you information that you requested on the Ketek investigation? Senator GRASSLEY. Without a doubt. And what is really miraculous about that approach on their part, we asked for the log that I have already referred to in my statement, so in a sense, we don't even really know what is being held, withheld from us, why it is being withheld, and we happen to be aware, through information we get from inside, of some documents that could be responsive and don't appear to be privileged, but still being withheld from us. But see, there is no reason why we can't at least have that log so we can separate where maybe there is a legitimacy to their point of view or something. Maybe it deals with proprietary information, as an example. Although, if that doesn't get out to the public, that shouldn't even be withheld. Mr. STUPAK. Senator, do you have any thoughts on the fact that the FDA reported that it is changing the label on Ketek and that changes include the removal of two of the three previously approved indications, bacterial sinus and acute bacterial chronic bronchitis, from the drugs label? According to news reports, the FDA determined that the balance of benefits and risk no longer support approval of the drug for these indications, being the sinus and the bronchitis. So now Ketek will remain on the market for the treatment of community acquired pneumonia of mild to moderate severity. In addition, the FDA said it would work with the company to update the product labeling with a boxed warning, FDA's strongest form of warning. Any comments on that? Senator GRASSLEY. Well, I think it is quite evident, since it just come out yesterday, you are having this hearing today, that finally the heat in the kitchen got a little bit too hot and they decided to move out of the kitchen. But also, it is perfect evidence that eventually when you push the envelope enough, they do show some respect for the scientific process, but in all of this, whether it is Ketek or Vioxx or a lot of others, it is a lack of respect for the scientific process that I think is basic to what is wrong with some of these drugs getting on the market and not getting there and when there is dissidence, a dissident point of view, or let us say an alternative point of view, not a dissident point of view, alternative point of view among scientists. VerDate 11-SEP-98 15:43 Jun 06, 2007 Jkt 000000 PO 00000 Frm 00023 Fmt 6633 Sfmt 6633 Q:\DOCS\110-5 SCOM1 PsN: SCOM1 20 All you got to do is let science operate. If Scientist Grassley has a view and it has got to be reviewed by Scientist Stupak and you don't quite agree with me, then it is out there for peers to take action. Everything in science might not be perfect, but it sure is a heck of a lot perfecter than the subjective judgment of a few administrators stepping in, for some reason or other, to short circuit the scientific process. So if we get the FDA back to proper respect for the scientific process, I don't know whether you and I would have to be here today.

General Fiat Answer

Public advocacies for anti-surveillance are necessary – create the motivation for congressional action – our aff actually happens

Rice 15

(Rebecca, University of Montana, “Resisting NSA Surveillance: Glenn Greenwald and the public sphere debate about privacy,” pg online @ [//um-ef\)](http://scholarworks.umt.edu/cgi/viewcontent.cgi?article=5439&context=etd)

Public Sphere Resistance Based on these critiques, Greenwald identifies several actors who can change US surveillance policies: the public, the government, and journalists. As discussed above, the first group Greenwald calls on is the public, which he encourages to deliberate to resist surveillance. Greenwald reminds his audience that “it is human beings collectively, not a small number of elites working in secret, who can decide what kind of world we want to live in” (2014, p. 253). However, aside from average citizens, who can come together to discuss surveillance, Greenwald also names special actors within the public sphere. In the epilogue of NPTH, Greenwald says that Snowden's leaks triggered the first global debate about the value of individual privacy in the digital age and prompted challenges to America's hegemonic control over the Internet. It changed the way people around the world viewed the reliability of any statements made by US officials and transformed relations between countries. It radically altered views about the proper role of journalism in relation to government power. And within the United States, it gave rise to an ideologically diverse, trans-partisan coalition pushing for meaningful reform of the surveillance state (p. 248). These changes stem from the public sphere, and occurred through public discussion. Greenwald's “trans-partisan coalition” can be conceived of as a public, which he calls into being as he addresses this group in NPTH. Greenwald's created public. Warner (2002) encourages scholars to frame publics discursively, saying they exist “by virtue of being addressed” (p. 413). Greenwald calls a concerned public into being throughout NPTH, often by discussing his readers as a collective “we.” Greenwald's created audience is concerned about surveillance, and willing to take public action to advocate for reform. Greenwald emphasizes the choice readers can make with Snowden's leaked NSA documents. He says that Snowden's leaks can create a new discussion about surveillance, or they can fade due to public apathy. In the introduction to NPTH, he writes That's what makes Snowden's revelations so stunning and so vitally important. By daring to expose the NSA's astonishing surveillance capabilities and its even more astounding ambitions, he has made it clear, with these disclosures, that we stand at a historic crossroads. Will the digital age usher in the individual liberation and political freedoms that the Internet is uniquely capable of unleashing? Or will it bring about a system of omnipresent monitoring and control, beyond the dreams of even the greatest tyrants of the past? Right now, either path is possible. Our actions will determine where we end up. (2014, p. 6). Greenwald gives the audience two choices and links their actions to the two potential paths. In this way, he begins the process of public deliberation, which Goodnight (2012a) describes as a momentary pause in which we examine political paths, both taken and untaken. “As deliberation raises expectations that are feared or hoped for, public argument is a way to share in the construction of the future,” he says (Goodnight, 2012a, p. 198). Greenwald shares his interpretation of the choice the public must make with this information. He projects two alternative futures based on the public's deliberation about privacy. This shared future is emphasized through his use of the words “our,” “everyone,” and “we,” which link readers together as the American public. Greenwald's projected paths put the decision into the readers' hand, emphasizing the public's ability to act and intervene in technical surveillance. Through invitations to deliberate, Greenwald addresses his readers as part of a public sphere. Greenwald also argues that deliberation is an effective way to resist surveillance and curb surveillance abuses. Greenwald offers an example from his own life. He says he first learned of the power of deliberation when he heard from Laura Poitras, another journalist who accompanied him on the trip to Hong Kong. She said that she had been detained in airports dozens of times as a result of her writing and filmmaking. Greenwald covered the interrogations of Poitras in a Salon article, which received substantial attention. In the months afterward, Poitras was not detained again. In NPTH, Greenwald writes “The lesson for me was clear: national security officials do not like the light. They act abusively and thuggishly only when they

believe they are safe, in the dark. **Secrecy is the linchpin of abuse of power**, we discovered, its enabling force.

Transparency is the only real antidote" (2014, p. 12). Greenwald generalizes this example to other abuses of power. He says that **power without deliberation is "the ultimate imbalance, permitting the most dangerous of all human conditions: the exercise of limitless power with no transparency or accountability"** (2014, p. 169). Greenwald presents **public**

deliberation as the solution and antithesis to surveillance, which he calls for the public to undertake. After

addressing readers as members of this public, Greenwald names special actors within the public sphere who can also help to effect change. **Government reform.** First,

Greenwald says **the government must make changes in order to curb abuses from the NSA**, and that **readers should pressure the government to do so.** Greenwald says that **public branches of the government do not have enough**

control over the NSA. Giving examples of reform that occurred after his reporting, Greenwald says that he and Snowden were pleased by a bipartisan bill introduced to US Congress. This bill proposed defunding the NSA, which was "by far the most aggressive challenge to the national security state to emerge from Congress since the 9/11 attacks" (2014, p. 249). The bill did not pass, but only by a small margin, which Greenwald portrays as a hopeful sign of reform. Additionally, Greenwald suggests "converting the FISA court into a real judicial system,

rather than the onesided current setup in which only the government gets to state its case, would be a positive reform" (2014, p. 251). **Greenwald's suggestions for change go beyond individual acts to put pressure on government policy reform.** By reforming the FISA court, the secrets of

the NSA would be public knowledge. Though **Greenwald writes about power from a Foucauldian perspective, he proposes**

large acts of resistance to the public problems created by surveillance in addition to small acts to resist

the discipline of individual bodies. These ideas are compatible with Foucault's (1997) idea of

critique, however, **which he defines as "the art of not being governed quite so much"** (p. 45). Greenwald asks the audience to resist through public sphere discussion in order to negotiate the way they are governed.

He argues that **discussion through the public sphere can alter power relations between citizens and the US surveillance state.** Though the government is considered completely separate from the public sphere by many scholars (Habermas, 1974), others push back on this idea (e.g.

Asen & Brouwer, 2001). In the case of the NSA, other government branches are considered members of the public by Greenwald. **Greenwald notes that many congressional members were unaware of the tactics used by the NSA, including spying on Congress itself**

(2014). **For these reasons, Greenwald specifically calls on Congress to be part of the solution. This**

should occur through legislative reform spurred by public pressure Greenwald's summoned public addresses politicians as well as average citizens.

Solvency/1AC vs. K

And, debates exposing secretive national security spying programs necessary to break down the security state – the plan is the necessary mechanism to begin the debate and restore democratic accountability

Brian 13

(Danielle, “System And Unchecked Growth of our National Security State,” pg online @ <http://www.pogo.org/about/press-room/releases/2013/nations-focus-should-be-on-broken-whistleblower-system.html?referrer=https://www.google.com//um-ef>)

What is unfolding with Edward Snowden is not surprising—our current policies actually encourage leaks, given there is no meaningful legal system for whistleblowing in the intelligence community. There are too few legal channels for disclosing secret wrongdoing, and those that exist do not provide authentic protections from retaliation. There are very weak protections for intelligence whistleblowers and none at all for intelligence contractors. National security whistleblowers also have good reason to doubt that the authorities will take action on their disclosures, given the inaction by knowledgeable authorities in the administration, Congress and the Courts. Where Mr.

Snowden chooses asylum is a sideshow to critical matters facing our nation. **What we should be focusing on are the important issues he has exposed—a broken system for whistleblowers and how secrecy is undermining our constitutional democracy.** It is high time that we address the need for more oversight of the government’s national security claims. **We could start with the public disclosure of secret laws**—the legal justifications, decisions, and enforcement of law that are kept secret. How can we know if the government has struck the right balance between our security and our rights if its legal interpretations are cloaked in secrecy? Mr. Snowden’s disclosures of the National Security Agency’s domestic surveillance are certainly whistleblowing, but releasing classified information is also against the law. As was the case with Daniel Ellsberg and the Pentagon Papers, sometimes it is so important to make the information public that it is necessary to break the law. This is not a new concept. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, provide: “No person may be punished on national security grounds for disclosure of information if...the public interest in knowing the information outweighs the harm from disclosure.” **Whenever a whistleblower illegally discloses classified information, the public interest must be weighed against the harm to our national security.** But in any case, **it’s clear that the government is handling leaks and whistleblowers atrociously.** A recent McClatchy Newspapers story reports that, in keeping with POGO’s early warnings about the government’s knee-jerk response to WikiLeaks, the sweeping “Insider Threat Program” continues to chill free speech and threaten rights while quite obviously failing to prevent leaks. In January 2011, we and our allies sent a letter to the administration about our concerns that agencies were being asked, among other things, to measure their employees’ “relative happiness” and “despondence and grumpiness as a means to gauge waning trustworthiness.” **Government officials tried to assure us that it was not their intention to direct agencies to conduct this and other kinds of surveillance of employees.** Yet, the McClatchy article points out that those familiar with the program are now concerned with its absurdly broad application and the ease with which the Insider Threat Program can be used to target whistleblowers. As we’ve been saying for years, **the way to stop leaks is to give whistleblowers strong protections and to curb over-classification.** Instead, no matter who occupies the White House, **we have a national security state on steroids engaging in far too much secrecy, making it harder for us to keep our legitimate secrets,** conducting massive surveillance, **and punishing rather than protecting whistleblowers.** In the end, are we safer? What rights are we willing to give up in the name of national security? Mr. **Snowden has re-ignited that critical public discussion and it is one that “we the people” must be given ample opportunity to debate.** Nothing less than **the legitimacy of our constitutional democracy is at stake.**

Neolib/Cap

Neolib/State Power

The plan serves as a catalyst for the rejection of capitalism. Whistleblowing disrupts the stability of capitalist enterprises by transferring the power from the wealthy to the workers

Cloud 14 (Dana L., professor of Communication Studies at the University of Texas at Austin. She is an author and activist in the areas of Social Movements, Feminism, Queer Theory, and Critical Rhetoric.

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muse.jhu.edu.proxy.lib.umich.edu/journals/qed_a_journal_of_glbtq_worldmaking/v001/1.1.cloud.pdf ,
cayla_)

Key to this theory are the ideas that 1) in all class-based societies, structures of governance (i.e., states) arise to secure, guard, and differentially disburse collective resources; 2) as the ruling class of modern societies reaches outward in search of markets, labor, and material resources, nation-states representing their rulers' interests engage in imperialist rivalry, forming and dissolving alliances and blocs, and conducting both open and proxy warfare; 3) because these endeavors are costly in terms of both life and capital, politicians must rationalize them to secure public support; and, therefore, 4) justifications of warfare must hide the ultimate Private Manning and the Chamber of Secrets) 83 motivation of war itself, which is imperial domination, under cover (in contemporary capitalist society) of "spreading and protecting democracy." Even in a globalized, neoliberal¹⁴ capitalism, the state as both a coercive apparatus and the fictive seat of "democratic" governance still plays a central role in organizing flows of resources, labor, and markets. In these contexts, the revelation of state secrets does not primarily threaten subjectivities or the ordering of ways of living. Whistleblowing, when effective, threatens the control of wealth in capitalist enterprises, the governments beholden to them, and the stability of their international alliances. Without such a theory of the state, we cannot understand the unequivocal and harsh juridical punishment of Manning. At the same time, however, we must consider the relationship of social reproduction to the securing and defense of material wealth on the part of elites. Much rhetorical work (under the names "ideology," "discourse," or "culture") goes into sustaining racism, sexism, homophobia, and heteronormativity; often the locus of rhetorics of social reproduction¹⁵ in the capitalist system is the aspirational nuclear family. Hence, the juridical discipline of the military court works alongside and interdependent with the biopolitical regulation (following Foucault)¹⁶ of the norms of an idealized private family: heterosexual, monogamous pairing; the bearing and raising of children; and "consent" on the part of families to bear the burden of reproduction more generally, i.e., the provision of housing, health care, nutrition, education, and other basic needs, leaving the state and its corporate sponsors off the hook. The role of the private family in capitalism has led Marxist feminists to develop a "social reproduction theory," which explains how gender treason stands as a threat to the system of social reproduction.¹⁷ Anything like a public sphere of deliberation and resistance is shifting and precarious. Dean argues that Left appeals to the democratic process risk reifying the illusion that democratic deliberation based on knowable facts is possible.¹⁸ As a case in point, she analyzes the rhetoric of the 9/11 Truth movement as a performance of psychosis; it is unclear whether she would place the whistleblowing activities of Manning and Snowden in this category. Likewise, Joshua Gunn has expressed skepticism regarding the democratic potential of transparency; he argues that rhetorics of transparency paradoxically threaten the viability of public engagement. In the case of the Freemasons, he notes how the divestiture of secrets deprives secret societies of the sense of fellowship upon which communitarian civic action depended.¹⁹

Whistleblowing protects public interests from unethical corporate behaviors

Tully 05 (Stephen, Law Department, London School of Economics and Political Science *USA Research Handbook on Corporate Legal Responsibility* Edward Elgar, 2005 pages 254-256 www.untag-smd.ac.id/files/Perpustakaan_Digital_1/CORPORATE%20SOCIAL%20RESPONSIBILITY%20Research_Handbook_On_Corporate_Legal_Responsibility_9781843768203.pdf#page=276 , *cayla_*)

Introduction Focus on corporate wrongdoing has been unyielding since the now-infamous accounting fraud scandals of Enron, WorldCom, Tyco, Adelphia, Global Crossing and others eclipsed the news at the end of 2001. Despite the heightened attention on corporate accountability,

scandals continue to emerge, ranging from fraud in the mutual fund industry to the international scandal of Parmalat in Italy to improprieties in the US government's distribution of federal contracts to Boeing and Halliburton. Dramatic responses to corporate fraud in the form of sweeping US legislative reforms (specifically the Sarbanes–Oxley Act of 2002, passed to restore investor and consumer confidence in the corporate sector), aggressive prosecutions of top corporate executives, revisions to stock exchange listing requirements that mandate specific corporate governance reforms by publicly traded companies, and increased activism on the part of shareholders, board directors and stakeholder groups, have all thrown into question deeply held presumptions about market economics, ideal corporate governance structures and the role of corporations in society generally. Corporate wrongdoing, despite the recent attention, is not new. Egregious examples include the excessive overcharging of materials by defence contractors in the 1980s; the environmental and health disaster in Bhopal, India caused by Union Carbide (now part of Dow Chemical) when its pesticide plant's cooling system failed, causing a gas leak that killed 8000 people in three days and poisoned more than 500,000; the deliberate misrepresentation by tobacco company Brown & Root of the inclusion of deliberately addictive chemicals in cigarettes; rampant fraud in the health-care and pharmaceutical industries (HealthSouth, TAP pharmaceuticals, and HCA, to name a few); and vulnerabilities in America's plutonium stockpiles guarded by private security firm Wackenhut, Inc. Many corporations, either negligently or intentionally, have through unaccountable behaviour harmed or potentially harmed the environment, local communities, the health and safety of the public, and the interests of consumers, stockholders and citizens. Each of these examples of corporate wrongdoing was averted, could have been averted, or was or could have been at least mitigated, by a whistleblower.²⁵⁴ Every year thousands of workers witness wrongdoing on the job, ranging from financial fraud to health and safety dangers to gross mismanagement to illegal and corrupt practices. Few workers, however, actually report the wrongdoing they witness. Those employees who choose to disclose evidence of wrongdoing – most commonly known as 'whistleblowers' – are the first line of defence against problems that, unaddressed, could cost millions of dollars to remedy, claim innocent lives, and devastate the environment, public health and safety. Because they work inside the corporate structure, employees have direct, immediate access to information about problems – or potential problems – which corporate board directors, outside regulatory agencies, watchdog organisations, shareholders, consumers and community members may never know about until a crisis occurs. Rather than receiving praise for raising concerns and possibly preventing crises from occurring, these workers more often suffer reprisal, becoming victims of retaliatory investigations, harassment, intimidation, demotion, dismissal and blacklisting in their fields. Corporate managers and executives compelled to meet production deadlines, reduce costs, protect stock value, avert negative publicity and avoid government investigations generally find it difficult to view messages about problems as opportunities to further, rather than obstacles to achieving, all of these same interests in the long term. Instead they often view the message, and the messenger, as the problem. An increasingly large patchwork of whistleblower protection laws has grown out of recognition that employees who work within a company are in the best position to promote legal compliance, and that retaliation against employees who report violations of law has a profound chilling effect that prevents disclosure of information needed to avert problems. These laws also reflect an understanding, consciously or not, that the 'corporation' – a legal construct which, with its quality of limited liability and large concentrations of capital, has an incredible ability to wreak large-scale havoc on important public interests – is made up of individual, human actors who ultimately make the decisions that create corporate behaviour. Whistleblower protection laws recognise that humans have as much potential to act out of self-interest and fear as out of moral courage and honesty, and that only by protecting the ethical actions of employees can we truly protect not only the public interest, but also the corporate institution itself.

Whistleblowers can effectively stop corporate fraud—they have access to nonpublic info

Miethe 99 (Therance D., Professor of Criminal Justice at the University of Nevada Ph.D. in sociology from Washington State University the author of several books and articles on violent crime, criminal sanctions, and crime typologies *Whistleblowing at Work: Tough Choices in Exposing Fraud, Waste, and Abuse on the Job* Westview Press 1999 Page 83-84, *cayla*)

Although often downplayed in the popular press and everyday conversations, whistleblowing has several collective benefits for organizations and the wider society. These involve the social and economic benefits of eliminating and controlling individual and organizational misconduct. As employees or former employees, whistleblowers are in a unique position to observe misconduct in work organizations. They work within the environment and, in many cases, have the necessary access to financial records and documents to detect misconduct. Such external agents as inspectors and auditors are not able to monitor ongoing organizational practices nearly as well as employees themselves. Monitoring actions by fellow employees is also less likely to raise suspicion by company employees engaging in the criminal or unethical activity. Under these conditions, employees are clearly in the best position to observe and report organizational misconduct. From the perspective of the wider society, the most obvious benefit of whistleblowing is its potential for reporting and subsequently deterring organizational misconduct. The enormous economic costs that are ultimately passed on

to the public for such offenses as employee theft, corporate tax fraud, misappropriation of funds, consumer fraud, and other types of occupational and organizational crime may be greatly reduced by the threat of detection provided by employees as potential whistleblowers.

WB Check Institutions

The insider's evidence whistleblowers can provide are crucial in substantive prosecution of powerful institutions

Cohan 14 (William D., American business writer. He has written books about the Wall Street industry and is a contributor to Vanity Fair, The Financial Times, Bloomberg BusinessWeek, The Atlantic, ArtNews, The Irish Times, The Washington Post, The New York Times, and Fortune Magazine, and author of 'The Price of Silence: The Duke Lacrosse Scandal, the Power of the Elite, and the Corruption of Our Great Universities' "William D Cohan on Wall Street whistleblowers" May 30, 2014 www.ft.com/cms/s/2/ce216134-e6c7-11e3-9a20-00144feabdc0.html , *cayla_*)

On Wall Street, as every-one now knows, wrong-doing by bankers, traders and executives led to disaster in 2008 after they were rewarded for taking risks with other people's money. Leading bankers and traders were motivated – by the hope of getting large bonuses – to package up mortgages into securities and then sell them off as AAA-rated investments all over the world. This happened even though one damning email after another makes clear they knew some of the mortgages would probably default and that the securities should never have been sold in the first place. But some people did try to blow the whistle – the problem is they were not listened to. Worse than that, they were treated in a way that would discourage anyone from following in their footsteps. I interviewed three whistleblowers – from different periods of the recent crises that have befallen Wall Street. All three of them made allegations of wrongdoing at their banks, made strenuous efforts to report what they had discovered through internal and external channels and all three were either fired from their jobs after trying to share the information they had stumbled upon or quit in frustration. Their testimonies and the details of what happened to them are important. Not only do they illustrate the existential risks that whistleblowers take when they attempt to point out wrongdoing that they uncover at powerful institutions. They also matter because their stories show just how uninterested these institutions genuinely remain – despite the lip service of internal hotlines and support groups – in actually ferreting out bad behaviour. The stories of these three whistleblowers reveal, too, how little the regulators charged with keeping watch over the Wall Street banks seem to care about holding them in any way accountable. Often the regulators seemed to be willing to ignore the allegations presented to them. None of this surprises the experts who have tracked whistleblowers across a variety of industries, including Wall Street. Eliot Spitzer is the former governor and attorney-general of New York state, once known as the sheriff of Wall Street. (He resigned as governor in 2008, following a prostitution scandal.) When he was attorney-general, between 1999 and 2006, he prosecuted wrongdoing on Wall Street and won billion-dollar settlements from many banks. Among the purported crimes were "spinning" – when favoured clients received hot, pre-IPO stock and sold it after the price rose when trading began; "laddering" – when preferred clients received hot, pre-IPO stock from banks who knew they would sell the stock into a rising market and then buy more; and "late trading" – when hedge funds were allowed to trade in shares of mutual funds after trading had closed for the day. Spitzer also won settlements from banks after discovering that research analysts were positively tailoring their reports about a company's prospects in exchange for investment-banking business. "The pushback against the status quo in any context is extraordinarily difficult," says Spitzer. "It is not merely Wall Street. It is a phenomenon that exists within large institutions that have significant power – Wall Street, government, among them. There is this overwhelming rigidity in organisations that makes them hesitant to believe. When money is involved, the powers are very, very significant. Those people who pushback on Wall Street are often made to pay a penalty. They're fired. They're blackballed. It is a cultural issue which we have to deal with." Spitzer recalls how, when he was working at CNN a few years ago, he invited on to his show three whistleblowers from the National Security Agency, each with more than 20 years of experience. "Highly regarded, well-respected individuals who alleged that the NSA was collecting data – metadata, as they referred to it – that related to all phone calls being made around the country," he explains. "They were fired, drilled out of the agency and disregarded, maligned." Of course, he notes, the three men were absolutely right in their allegations. Thanks to Edward Snowden, we now know that the NSA has been collecting and analysing data about individual Americans, and others, for years. Prosecutors often need whistleblowers to come forward in order to make a substantive case of illegality. They play an essential role in keeping Wall Street's collective feet to the fire by exposing wrongdoing when it occurs. "Very few prosecutors would claim that they could make great cases without individuals on the inside," Spitzer says. "We cannot make the complicated cases or begin to see the difficulties there without people who come forward to discuss

what is going on that's improper. So we desperately need them and we're going to continue to apply pressure to ensure that Wall Street and the other major institutions live by the rules." The 2010 Dodd-Frank financial reform law, which was supposedly designed to try to prevent the kind of economic meltdown that occurred in 2008, contains a number of new provisions that provide whistleblowers with protection and financial rewards – known as “bounties” – for bringing wrongdoing to light. Occasionally whistleblowers actually receive those rewards. But, Spitzer notes, there remains a high degree of treachery to contend with for anyone who chooses to buck the social norms and report questionable behaviour. “I don't want to discourage people from being whistleblowers but on the other hand there are significant challenges that await them down the road,” he says. “The momentary reduction of angst they get from the media [when a whistleblower goes public] is often outweighed by the significant problems they face after and often personally in the environment in which they had lived before they were a whistleblower.” That is clearly the case for Eric Ben-Artzi, Peter Sivere and Oliver Budde – the whistleblowers profiled in these pages – all of whose Wall Street careers were curtailed in one way or another by what they discovered and then reported. Beatrice Edwards is the director of the Government Accountability Project, a leading Washington-based public-interest law firm that represents and advocates the cause of whistleblowers. She notes that while the Dodd-Frank law created new paths for whistleblowers to report wrongdoing to both the Securities and Exchange Commission – for securities violations – and to the Commodity Futures Trading Commission – for commodities-related violations – she fears that the SEC's “bounty programme” is not working as she hoped it would. In 2013, she explains, whistleblower reports to the SEC increased 8 per cent on the year before and such reports to the Department of Defense rose 125 per cent between 2009 and 2013. However, she says that while the SEC's reward programme was slow to get going, the pace of payouts has picked up in the past year or so. Nevertheless, “whistleblowers are still paying for their disclosures with their jobs, in general,” she adds. “What we see when people come to us is they've already been subjected to retaliation, and the retaliation in banking does seem to be very fierce. People aren't just transferred or demoted, they're dismissed.”

This subverts democracy, warps the justice system, and disenfranchises of the poor while Wall Street executives escape with impunity

Greenwald 13 (Glenn, American lawyer, journalist and author who works as a constitutional and civil rights litigator. At Salon he contributed as a columnist and blogger, focusing on political and legal topics “The Real Story Of How 'Untouchable' Wall Street Execs Avoided Prosecution” Jan. 23, 2013 www.businessinsider.com/why-wall-street-execs-werent-prosecuted-2013-1 , *cayla*)

As Kaufman and his staffers make clear, Obama officials were plainly uninterested in pursuing criminal accountability for Wall Street. One former staffer to both Biden and Kaufman, Jeff Connaughton, wrote a book in 2011 — “The Payoff: Why Wall Street Always Wins” — devoted to alerting the nation that the Obama DOJ refused even to try to find criminal culprits on Wall Street. In the book, this career-Democratic-aide-turned-whistleblower details how the levers of Washington power are used to shield and protect high-level Wall Street executives, many of whom have close ties to the leaders of both parties and themselves are former high-level government officials. This is a system, he makes clear, that is constituted to ensure that those executives never face real accountability even for their most egregious and destructive crimes. The reason there have been no efforts made to criminally investigate is obvious. Former banking regulator and current securities Professor Bill Black told Bill Moyers in 2009 that “Timothy Geithner, the Secretary of the Treasury, and others in the administration, with the banks, are engaged in a cover up to keep us from knowing what went wrong.” In the documentary “Inside Job,” when asked why there have been no such investigations, economist Nouriel Roubini replied: “Because then you'd find the culprits.” Underlying all of that is what the Senate's second-highest ranking Democrat, Dick Durbin, admitted in 2009: The banks “frankly own the place.” The harms from this refusal to hold Wall Street accountable are the same generated by the general legal immunity the U.S. political culture has vested in its elites. Just as was true for the protection of torturers and illegal eavesdroppers, it ensures that there are no incentives to avoid similar crimes in the future. It is an injustice in its own right to allow those with power and wealth to commit destructive crimes with impunity. It subverts democracy and warps the justice system when a person's treatment under the law is determined not by their acts but by their power, position, and prestige. And it exposes just how shameful is the American penal state by contrasting the immunity given to the nation's most powerful with the merciless and brutal punishment meted out to its most marginalized. The real mystery from all of this is that it has not led to greater social unrest. To some extent, both the early version of the Tea Party and the Occupy movements were spurred by the government's protection of Wall Street at the expense of everyone else. Still, Americans continue to be plagued by massive unemployment, foreclosures, the threat of austerity and economic insecurity while those who caused those problems have more power and profit than ever. And they watch millions of their fellow citizens be put in cages for relatively minor offenses while the most powerful are free to commit far more serious crimes with complete impunity. Far less injustice than this has spurred serious unrest in other societies.

WB Check USFG Abuse

Whistleblowers check the USFG's violation of the Constitution

McDonald Dryburgh 14 (Martinella, Professor at School of Economic, Political and Policy Sciences, University of Texas at Dallas "Personal and Policy Implications of WhistleBlowing: The Case of Corcoran State Prison" 08 Dec 2014 www.tandfonline.com/doi/pdf/10.2753/PIN1099-9922110203 , *cayla_*)

As Moore observed in 1978, the average civil servant is expected to follow orders from superiors without question and seldom participates in changing policy. Since then, according to many scholars, the evolution of politics and government administration to include aspects of globalization, decentralization, and privatization has made it necessary to reexamine the manner in which government officials face ethical decisions. Yang and Holzer (2005) argue that administrators work in an environment of constantly changing public policy and their decisions should be examined within these competing forces. There is, however, one constant that government employees must consider whenever they face an ethical decision: constitutional competence. Rosenbloom and Carroll (1990) define constitutional competence as an employee's level of knowledge about how the Constitution affects administrative practice. Federal employees who lack this competence may unknowingly violate the constitutional rights of others, thereby putting themselves and their agency at risk of being sued. This is especially true in corrections institutions, because courts have strengthened the rights of prisoners against cruel and unusual punishment by taking steps to ensure that anyone who uses the power of the government to deprive another person of his constitutional rights is liable (Rosenbloom and Carroll 1990). A worker who believes that following a program or policy in the workplace will result in denying another person's constitutional rights has the option to disobey orders, take legal action, or even become a whistle-blower. Rosenbloom and Carroll (1990) highlight the case of Harley v. Schuykill County (1979) as an example of the courts supporting the right of a federal employee to disobey an unconstitutional directive. John Harley, a prison guard, claimed he was fired because he refused to follow what he believed was an unconstitutional order from his superior that would have resulted in violating the constitutional rights of a prisoner. The courts upheld Harley's right to refuse to act in a manner that would result in a violation of another person's constitutional rights. Harley's constitutional competence protected the prisoner from abuse. It also protected Harley from legal action by the prisoner if his rights had been violated. Ultimately, whistle-blowers bring about positive change in the agency by ending an unwanted behavior. In Johnson's words, whistle-blowers act as "policy entrepreneurs" because their highest "aim is to change agency policy or procedures" (2003, 53). With this goal in mind, how can public administration scholars accurately measure the impact of whistle-blowing on a government agency? According to Miceli and Near (1992), measuring effectiveness in whistle-blower case studies is difficult because of the different ways scholars compare the outcomes of whistle-blowing incidents. Legal scholars tend to focus on the win/loss ratios of lawsuits in defining effectiveness.

They uniquely have the inside knowledge, understanding of the organization's complexity, and power to increase accountability in organizational crime

Miethe 99 (Therance D., Professor of Criminal Justice at the University of Nevada Ph.D. in sociology from Washington State University the author of several books and articles on violent crime, criminal sanctions, and crime typologies *Whistleblowing at Work: Tough Choices in Exposing Fraud, Waste, and Abuse on the Job* Westview Press 1999 Page 31-34, *cayla_*)

Social scientists have long debated the relative merits of various strategies for controlling occupational and organizational deviance. The conventional wisdom is that the white-collar offender is guided by instrumental concerns such as financial gain, has low commitment to crime as a lifestyle, and weighs the relative costs and benefits when choosing between criminal and conventional alternatives. Under these conditions, people who commit acts for private gain within organizations are commonly recognized as the most deterrable types of offenders through the threat of swift, certain, and severe punishment. Because they have more to lose from a criminal conviction (their status, respectability, money and comfortable life), corporate offenders, in particular, are assumed to be especially deterred by criminal sanctions. Both monetary fines and imprisonment are advocated for controlling occupational and organizational crime. The major obstacle to deterring organizational misconduct, however, is the low probability of getting caught. In fact, offenders in work organizations maintain a near immunity against prosecution because of the low public

visibility of much organizational crime, its technical complexity, and the strong pressures exerted on employees
from both within and outside the organization to remain silent. Fellow employees, acting as **whistleblowers, are uniquely situated to**
increase sharply the public visibility of organizational misconduct. It may seem somewhat strange, but
whistleblowing can reduce the likelihood of organizational misconduct even when it doesn't result in a
criminal conviction or a civil finding of fault. In fact, for corporations that depend on the public's confidence and work hard at cultivating a
clean image, the mere threat of public exposure from whistleblowers may be sufficient to curtail criminal activity. For example, look at how public donations for
United Way plummeted when its former chief executive officer was (CEO) was exposed for his extravagant air travel, exotic vacations, and hiring private limousine
services on the company tab. The adverse publicity at United Way sent shock waves throughout nonprofit organizations across the country causing them to more
closely monitor and curtail questionable practices. In a world in which "image is everything," employees as potential whistleblowers
have the inside knowledge and subsequent power to increase accountability in many organizations.

AT: Queerness K

2AC

The experience of whistleblowers mirrors the queer experience—the aff serves as a representation of solidarity

Cloud 14 (Dana L., professor of Communication Studies at the University of Texas at Austin. She is an author and activist in the areas of Social Movements, Feminism, Queer Theory, and Critical Rhetoric.

QED: A Journal in GLBTQ Worldmaking, Volume 1, Number 1, Spring 2014 Page 99

muse.jhu.edu.proxy.lib.umich.edu/journals/qed_a_journal_of_glbtc_worldmaking/v001/1.1.cloud.pdf, *cayla_*)

In this article, I have argued that Chelsea Manning faced two dominant narratives that disciplined her transgressions.

The first is juridical, emphasizing the right of the repressive state to punish her as an agentive traitor. The second is

biopolitical, explaining treason as a function of queer psychopathology. Together, the narratives imply that we must be deranged to think that our voices can change the world, and that treason (on both juridical and biopolitical levels) is pathological rather than a resource for liberation. Although the second, biopolitical version of the story might have served to exculpate Manning, it also disciplines her secrets. A narrative of gender-queer identity as pathological could have ameliorated the punitive recourse of the state, so those engaged in conversations critical of military atrocities and in defense of Manning as a whistleblower failed to enjoin the queer challenge to the state in the domain of social

reproduction. The charge of treason was allowed to negate the import of Manning's coming out, so Manning's coming out was allowed to negate the import of her revelation to the atrocity of war. Attention to each set of secrets as separate matters negated the power of their combined force. In both spaces, the

operation of power is paradoxical. The goal of whistleblowing is publicity, just as the action of "coming out" as gender-queer exposes the naturalization of cisgendered norms and gestures toward alternative modes of social organization that will not depend upon the demand for a heteronormative private family as the site of social

reproduction. **Both disrupt regimes of private and privatizing power.** At the same time, the liberation of information about oneself or the actions of one's government subjects those who speak out to both juridical and biopolitical governance. The only intellectually consistent and politically honorable response is to occupy a position of solidarity with Manning as a liberator of information that exposes the dual sides of governance in capitalist society. I believe that Rilke's poem from the Book of Hours (the epigraph of this article) suggests solidarity with those who "are in the know," in other words, who know secret things. Manning's secrets and knowledge are multiple but interconnected. In both war and the opening up of self,

Manning knows that "something is up." She refuses to become an object, a "dark, small thing"; she is an agent

possessed and expressive of critical information. What she knows demands action. By incarcerating her, the state has attempted to isolate her body and/as her knowledge. But she is not alone. We scholars, critics, activists, queers, soldiers, and citizens—all are warriors. No matter the danger, **we stand alongside the knowing, against the secret police.**

Counterplan Answers

General Arguments

Perception Key

And, the perception of the plan is critical – lack of whistleblower protections and transparency collapse U.S. legitimacy

Brian 13

(Danielle, executive director of the Project On Government Oversight, master's degree in International Relations from the School of Advanced International Studies at Johns Hopkins University, "In Wake of Snowden Disclosures, Obama Must Strengthen U.S. Commitment to Openness, Accountability," pg online @ <http://www.pogo.org/blog/2013/11/in-wake-of-snowden-disclosures.html?referrer=https://www.google.com//um-ef>)

On Thursday, the White House released a preview of its second National Action Plan for the international Open Government Partnership, whose mission is to increase openness and accountability among its member countries. While some of the draft commitments line up with our recommendations for openness, the plan is silent on the critical reforms needed to address some of the most troubling areas of secrecy: **protecting whistleblowers**, reducing over-classification, **and curbing secret law**. Administration officials have assured us that they intend to address these areas in the final version of their action plan, which will be released in December. We surely hope so. We understand that recent revelations might make the Obama Administration's participation in the Open Government Partnership a little awkward at the moment. But if the U.S. is hoping to show that it's fully behind the partnership and their plan of increasing openness and accountability among its member countries, the Administration will have to do better than what it has shown thus far. The world is watching and wondering how the U.S. can credibly claim advances in open government without addressing these critical issues in the wake of the Edward Snowden disclosures on surveillance. That said, there are other worthwhile commitments in the draft. We welcome the draft Freedom of Information Act (FOIA) commitments, which would help streamline and centralize a patchwork system that has long been overly complicated for both the public and government officials. We also are pleased to see a commitment to working with civil society groups to improve the ability to track U.S. government spending on USAspending.gov. However, we're disappointed that Extractive Industries Transparency Initiative (EITI) provisions simply reflect decisions that have already been made. The final commitments must go further. We urge the Obama Administration to work closely with us and our civil society partners to ensure ambitious commitments and real progress are made. Excessive secrecy in the name of national security is harming U.S. legitimacy, both with the American people and our allies around the globe.

Lack of legitimacy makes US leadership ineffective, regardless of material power

Mendolsohn 10

(Barak Mendelsohn 10, assistant professor of political science at Haverford College and a senior fellow of FPRI. Author of *Combating Jihadism: American Hegemony and Interstate Cooperation in the War on Terrorism*, June 2010, "The Question of International Cooperation in the War on Terrorism", <http://www.fpri.org/enotes/201006.mendelsohn.cooperationwarterror.html>)

Going against common conceptions, I argue that **the United States** sought to advance more than what it viewed as simply its own interest. The United States stands behind multiple collaborative enterprises and should be credited for that. Nevertheless, sometimes it **has overreached**, sought to gain special rights other states do not have, or presented strategies that were not compatible **with the general design of the war on terrorism**, to which most states subscribed. When it went too far, the United States found that, while **secondary powers** could not stop it from taking action, they **could deny**

it legitimacy and make the achievement of its objectives unattainable. Thus, despite the common narrative, U.S. power was successfully checked, and **the United States found the limitations of its power**, even under the Bush administration. Defining Hegemony Let me begin with my conception of hegemony. While the definition of hegemony is based on its material aspects—the preponderance of power—**hegemony should be understood as a part of a social web comprised of states. A hegemon relates to the other states in the system not merely through the prism of power balances, but through shared norms** and a system of rules providing an umbrella for interstate relations. Although interstate conflict is ubiquitous in international society and the pursuit of particularistic interests is common, the international society provides a normative framework that restricts and moderates the hegemon's actions. This normative framework accounts for the hegemon's inclination toward orderly and peaceful interstate relations and minimizes its reliance on power. **A hegemon's role in the international community relies on legitimacy**. Legitimacy is associated with external recognition of the hegemon's right of primacy, not just the fact of this primacy. States recognize the hegemon's power, but they develop expectations that go beyond the idea that the hegemon will act as it wishes because it has the capabilities to do so. Instead, the primacy of the hegemon is manifested in the belief that, while it has special rights that other members of the international society lack, it also has a set of duties to the members of the international society. As long as the hegemon realizes its commitment to the collective, its position will be deemed legitimate. International cooperation is hard to achieve. And, in general, international relations is not a story of harmony. A state's first inclination is to think about its own interests, and states always prefer doing less over doing more. The inclination to pass the buck or to free ride on the efforts of others is always in the background. **If a hegemon is willing to lead in pursuit of collective interests and to shoulder most of the burden, it can improve the prospects of international cooperation**. However, even when there is a hegemon willing to lead a collective action and when states accept that action is needed, obstacles may still arise. These difficulties can be attributed to various factors, but especially prominent is the disagreement over the particular strategy that the hegemon promotes in pursuing the general interest. When states think that the strategy and policies offered by the hegemon are not compatible with the accepted rules of "rightful conduct" and break established norms, many will disapprove and resist. Indeed, while acceptance of a hegemon's leadership in international society may result in broad willingness to cooperate with the hegemon in pursuit of shared interests it does not guarantee immediate and unconditional compliance with all the policies the hegemon articulates. While its legitimacy does transfer to its actions and grants some leeway, that legitimacy does not justify every policy the hegemon pursues—particularly those policies that are not seen as naturally deriving from the existing order. As a result, specific policies must be legitimated before cooperation takes place. This process constrains the hegemon's actions and prevents the uninhibited exercise of power.

Congress Key/Oversight

And, congressional oversight is necessary and effective at checking executive secrecy and breaking-down group-think

Kennedy, 12

(Copyright (c) 2012 Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 LENGTH: 23138 words Note: The Hijacking Of Foreign Policy Decision Making: Groupthink And Presidential Power In The Post-9/11 World Name: Brandon Kennedy* BIO: * Class of 2012, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University)

1. **Congressional Oversight** Congress has an **important role** to play as an **external check** to prevent the antecedent **conditions of groupthink** from arising in the president's decision-making group. n262 **There are many ways in which Congress can provide external checks.** First, "the Senate, regardless of which party is in power, [can] aggressively exercise its confirmation powers to assure the persons taking the reigns at the [Department of Justice and the Office of Legal Counsel] are committed to the "arms-length" and not the "client" model of executive branch lawyering," which tends to increase concurrence-seeking. n263 Also, in regard to powerful positions such as Director of National Intelligence and CIA Director, the Senate should carefully scrutinize appointees to ensure integrity and accountability. [*678] Additionally, **Congress as a whole should closely monitor the executive branch's** invocation of precedent. n264 While previous administrations' actions might provide some precedential authority for their own actions' legality, this is not alone determinative: **Executive branch precedents should not be seen as conclusive or even necessarily persuasive** in establishing constitutionality. Moreover, other administrations' forbearance in not taking similar actions in comparable circumstances also should be considered precedential authority. In this manner, the precedential value accorded previous executive branch actions will no longer favor only expansive notions of presidential power. n265 **Congress should especially assert this oversight role in the areas of national security and foreign policy. Congress should also make greater efforts to combat executive-branch secrecy.** n266 **"If a major check on the presidency is political accountability to the citizenry, such accountability cannot occur without transparency."** n267 And, **if the abuse of presidential power that can lead to insulation and, consequently, groupthink is to be curbed, "reforms that would minimize secrecy and impose more accountability on the executive branch should be seriously considered."** n268 **Congressional intelligence and foreign policy committees** in both the House and Senate **must exercise their oversight powers to a greater extent,** particularly when the committee chairs belong to the same party as the president. Reforms could include, for example, passing legislation that - in contrast to the present ad hoc regime - would mandate periodic meetings between congressional committee leaders.

Specific Counterplans

Commissions

Commission cp takes years, fails, and links to politics – prefer our aff-specific evidence

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @

[//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)

Given the many insider threat-related challenges the CI Community faces, **the United States has done a great deal to confront this dangerous enemy**. Nonetheless, the CI Community must make additional changes due to weaknesses in the current legislative processes, organizational interactions, and other issues involved in this effort 99. As addressed in Chapter 3, the structure of the CI Community has adapted over the years, but the sad reality is that these changes happened largely as a result of failures in the system and kneejerk reactions designed to address specific instances of failure¹⁰⁰. Even then, the changes that do occur often do not come easily and are the result of extensive reform processes throughout the IC. The ever-present threat posed by insiders means that the US CI Community must routinely evaluate the process it operates under and look to better itself. Our CI specialists must address a range of persistent vulnerabilities to help strengthen the American security apparatus. **The problem is that substantive reform is often very difficult to accomplish in the IC**, and subsequently the CI Community, for two reasons. First, **intelligence reform is usually more politically motivated than it is focused on, and motivated by, the need for substantive change**¹⁰¹. Second, since the IC is a tool of the policy makers, who ultimately oversee these organizations, this often means that the people making decisions for the IC have little to no real understanding of the Intelligence process¹⁰². As Chapter 3 demonstrated, there were multiple reforms over the past 20 years that have helped mold the CI Community into an organization that could fight the insider threat. These changes however, were not the result of planned reform, they were reactionary movements to larger community failures that allowed insiders like Ames, Hanssen, and Hassan to exist. Politicians do not like huge failures for political reasons, so large high-profile events act as “motivation” for change, and to show their constituents that they are making things better¹⁰³. Policymakers drive the intelligence cycle. As the driving force, they should continually evaluate the systems in place, judging their effectiveness and adapting them as need be¹⁰⁴. Unfortunately, this is often not the priority of those in the policy community¹⁰⁵. The absolute certainty of the need for reforms in the CI Community begs the question, **why have major substantive reforms not happened yet? The answer** to this question **relates to the challenges that intelligence reform faces: time, concession of power, and consensus**. Time is a valuable commodity and one that has a dramatic impact on the actions of people everywhere. Whether it is rushing to meet a deadline or hanging on for the long run, time seems to dictate our lives, and this idea could not be truer for both the IC and the policy community. The reason that time is such a significant challenge to reform has to do with the nature of the IC and CI communities, the policy community, and the dramatically different understandings they have of time. First, in the IC there has traditionally been less sense of time-urgency, because before 9/11 intelligence was seen mostly as a long-run game, an endurance race. The challenges posed by agile extremist organizations have forced the IC to face a new paradigm in this arena. However, when it comes to collecting, analyzing, and exploiting so much information from the enemy, whether that is an insider threat, a nation-state he spies for, or an ITO supporting him, the operations tend to last for years. **As intelligence professionals see it, steady analysis not rushed by political pressure is the key to success. Conversely, in Congress and the White House, politicians are rushed to make their mark by showing their constituents what they have accomplished**. In this sense, they often view intelligence as a tool to gain large results in a short period of time. **With the two operating under a different time frame there are bound to be confrontations**¹⁰⁷. The second and most important way that time holds back reform is in the reform process itself. Given that reform will be drafted and incorporated by the policy community, the US Congress cannot simply “change.” Rather, there have to be bills written, voted on, debated, passed, and signed into law. This all takes time—a very long time. To make matters worse, **it is the legislature’s right to conduct an investigation into failures, or reasons for reform**¹⁰⁸. As Berkowitz states, **“Commissions take months to convene, staff, and complete their work. Experience shows that commissions require, on average, a year or two to report their results—and even more time to declassify their reports so they can be released for public discussion. During this time, any passion officials might have had for fixing intelligence ebbs and the public’s attention wanders to other matters.”** Just one example of this is the September 11th Commission, which was formed a year after the attacks, **releasing results two years later, and passing changes through**

Congress 10 months later¹⁰⁹. The problem here is that the IC has its most fervent reform supporters immediately after the failure, as was the case with Ames, Hanssen, and Manning, yet as time drags on, the supporters of reform begin to become busy with other things, and the intended reforms do not

come to fruition¹¹⁰.

CP's that Leave the Program

**And, the mere EXISTENCE of the program chills whistleblowers in the workplace
[Careful with version(s) of the aff]**

Krieger, 2013, [BA in economics from Duke]

(Michael, July 11, "The 3 key Takeaways from the ridiculous 'Insider Threat Program'"

libertyblitzkrieg.com/2013/07/11/the-3-key-takeaways-from-the-ridiculous-insider-threat-program/

McClatchy's recent report covering the government's expansive employee snitch policy, aka the Insider Threat Program, has gotten a great deal of attention in the alternative media, and rightfully so. I finally took the time to read it and quickly realized that I need to offer my own take since it encapsulates so much of the severe mental illness, delusion and sociopathy rampant within the so-called American "elite" class. The first line of the report pretty much summarizes what the Insider Threat Program intends to do: "In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues." There are three main takeaways from this

revelation I think are crucial to be aware of. I will cover each of them briefly. 1) This creates a horrible and counterproductive work

environment where everyone distrusts everyone else. So imagine working for the government and being fully aware that because you are going through a divorce or having some financial difficulties that you are now deemed "suspicious" to your superiors. What about voicing a political view in a conversation at the water cooler?

The mere fact that this program exists turns the work environment into a virtual prison where all

normal human behavior is suspect and you are encouraged to become a government robot. But it's even worse

than that. This program guarantees that the nastiest and most immoral types will rise to the top. Someone with

sociopathic tendencies will quickly realize that the "upside" is to always snitch on everyone. Is there someone right above you who's position you covet?

Simply make consistent accusations against them and play the political game until you ruin that person. This works particularly well if your target is a decent person. 2) Solidifies the fact the

government is not interested in solving problems, but rather is focused on continuing the cronyism and criminality and merely covering it up. The

above point basically summarizes everything that is wrong with all of our major institutions today, and why we have total political and economic disfunction. This is a topic I have covered for many, many years with regard to the financial system. The reason the economy has not really recovered and why it will not enter into a healthy recovery is that our "leaders" merely covered up all of the bubbles and crimes pre-2008. Not only did no one go to jail, but those most responsible for the crisis were rewarded with high political positions (Larry Summers and Tim Geithner)

and also monetarily through bailouts. The same thing is now happening with the NSA scandal. Rather than addressing this gross violation

of the 4th Amendment as well as Clapper lying in front of Congress, the power structure is focused on making sure its

crimes aren't revealed going forward. Whistleblowers are prosecuted and jailed, while those in power

destroying the Constitution are promoted. This guarantees future societal breakdown. 3) Exposes how completely

hopeless and terminal the status quo is. This is the silver lining to the entire thing. I have covered previously how the status quo has no philosophy the masses can believe in. Its position of power depends on its crimes being hidden in the shadows and enormous payoffs (or threats) for those at the top directly involved in the pillaging. Once the scam is exposed, the public will ultimately turn against the system. This is why Snowden's leaks are so important and why the status quo is panicking. One of the things McClatchy notes is that one trend the government is looking out for is: "an increasingly disgruntled, post-Great Recession workforce and the entry of younger, 'Gen Y' employees who were 'raised on the Internet.'" Sorry, but a power structure this frightened of the younger generation cannot and will not survive. It is simply a matter of time. Now here are some key excerpts from the McClatchy report: WASHINGTON — In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues based on behavioral profiling techniques that are not scientifically proven to work, according to experts and government documents. The techniques are a key pillar of the Insider Threat Program, an unprecedented government-wide crackdown under which millions of federal bureaucrats and contractors must watch out for "high-risk persons or behaviors" among co-workers. Those who fail to report them could face penalties, including criminal charges. The order covers virtually every federal department and agency, including the Peace Corps, the Department of Education

and others not directly involved in national security. Federal employees and contractors are asked to pay particular attention to

the lifestyles, attitudes and behaviors – like financial troubles, odd working hours or unexplained travel

– of co-workers as a way to predict whether they might do "harm to the United States." Managers of special insider

threat offices will have "regular, timely, and, if possible, electronic, access" to employees' personnel, payroll, disciplinary and "personal contact" files, as well as records of their use of classified and unclassified computer networks, polygraph results, travel reports and financial disclosure forms. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education refused to answer questions about the program's implementation. Instead, they issued virtually identical email statements directing inquiries to the Office of the Director of National Intelligence, declined to comment or didn't respond. Transparency! Caitlin Hayden, a spokeswoman for the White House National Security Council, said in her statement that the Insider Threat Program includes extra safeguards for "civil rights, civil liberties and privacy," but she didn't elaborate. I spit out my coffee laughing at that

one. Manning's leaks to WikiLeaks, she added, showed that at the time protections of classified materials were "inadequate and put our nation's security at risk." Ok Caitlin, so killing

civilians and laughing about it isn't the problem, the problem is that the world found out about it. USA! USA!

McClatchy obtained a copy of the document, which was produced by an Insider Threat Task Force that was set up under Obama's order and is headed by Director of National Intelligence James Clapper and Attorney General Eric Holder. McClatchy also obtained the group's final policy guidance. The White House, the Justice Department and the Office of the Director of National Intelligence declined requests for both documents, neither of which is classified. On Monday, October 20, Professor Lawrence Lessig interviewed Edward Snowden, one of the most famous whistleblowers in recent history, about institutional corruption and the National Security Agency (NSA).

Non-Congress CP

And, congressional oversight is necessary and effective at checking executive secrecy and breaking-down group-think

Kennedy, 12

(Gould School of Law Southern California Interdisciplinary Law Journal Spring, 2012 Southern California Interdisciplinary Law Journal 21 S. Cal. Interdis. L.J. 633 “ The Hijacking Of Foreign Policy Decision Making: Groupthink And Presidential Power In The Post-9/11 World Name: Brandon Kennedy, University of Southern California Gould School of Law; M.A. Regional Studies: Middle East 2009, Harvard Graduate School of Arts and Sciences; B.A. Government 2009, Harvard University, pg lexis//um-ef)

1. **Congressional Oversight** Congress has an **important role** to play as an **external check** to prevent the antecedent **conditions of groupthink from arising in the president's decision-making group**.ⁿ²⁶² **There are many ways in which Congress can provide external checks**. First, "the Senate, regardless of which party is in power, [can] aggressively exercise its confirmation powers to assure the persons taking the reigns at the [Department of Justice and the Office of Legal Counsel] are committed to the "arms-length" and not the "client" model of executive branch lawyering," which tends to increase concurrence-seeking.ⁿ²⁶³ Also, in regard to powerful positions such as Director of National Intelligence and CIA Director, the Senate should carefully scrutinize appointees to ensure integrity and accountability. [*678] Additionally, **Congress as a whole should closely monitor the executive branch's invocation of precedent**.ⁿ²⁶⁴ While previous administrations' actions might provide some precedential authority for their own actions' legality, this is not alone determinative: **Executive branch precedents should not be seen as conclusive or even necessarily persuasive** in establishing constitutionality. Moreover, other administrations' forbearance in not taking similar actions in comparable circumstances also should be considered precedential authority. In this manner, the precedential value accorded previous executive branch actions will no longer favor only expansive notions of presidential power.ⁿ²⁶⁵ **Congress should especially assert this oversight role in the areas of national security and foreign policy. Congress should also make greater efforts to combat executive-branch secrecy**.ⁿ²⁶⁶ **"If a major check on the presidency is political accountability to the citizenry, such accountability cannot occur without transparency."**ⁿ²⁶⁷ And, **if the abuse of presidential power that can lead to insulation and, consequently, groupthink is to be curbed, "reforms that would minimize secrecy and impose more accountability on the executive branch should be seriously considered."**ⁿ²⁶⁸ **Congressional intelligence and foreign policy committees** in both the House and Senate **must exercise their oversight powers to a greater extent**, particularly when the committee chairs belong to the same party as the president. Reforms could include, for example, passing legislation that - in contrast to the present ad hoc regime - would mandate periodic meetings between congressional committee leaders.

Oversight avoids circumvention – the CP doesn't

Grassley 14- US Senator and Ranking Member of the Senate Judiciary Committee (Grassley, Chuck; 04/10/14; Grassley Talks About the Anniversary of the Whistleblower Protection Act; grassley.senate.gov; 06/12/15www.grassley.senate.gov/news/news-releases/grassley-talks-about-anniversary-whistleblower-protection-act) JG

25 years ago today, the Whistleblower Protection Act of 1989 was signed into law. To mark that anniversary, I wanted to come to the floor to discuss some of the history that led to that legislation, the lessons learned over the past 25 years, and the **work that still needs to be done to protect whistleblowers**.[¶] The Whistleblower Protection Act was the result of years of efforts to protect federal employees from retaliation. Eleven years before it became law in 1989, Congress tried to protect whistleblowers as part of the Civil Service Reform Act of 1978. I was in the House of Representatives at the time.

There, I met Ernie Fitzgerald, who had blown the whistle on the Lockheed C-5 aircraft program going \$2.3 billion over budget. Ernie was fired by the Air Force, as he used to say, for the act of “committing truth.” When the Nixon tapes became public after Watergate, they revealed President Nixon personally telling his chief of staff to “get rid of that SOB.” The Civil Service Commission didn’t reinstate Ernie until 12 years later. In the meantime, he was instrumental in helping get the Civil Service Reform Act of 1978 passed.¶ Yet it soon became clear that law didn’t do enough to protect whistleblowers. In the early 1980s, the percentage of employees who didn’t report government wrongdoing due to fear of retaliation nearly doubled.¶ Some whistleblowers still had the courage to come forward. In the spring of 1983, I became aware of a document known as the “Spinney Report.” The report exposed the unrealistic assumptions being used by the Pentagon in its defense budgeting. It was written by Chuck Spinney, a civilian analyst in the Defense Department’s Program Evaluation office. I asked to meet with Chuck Spinney, but was stonewalled by the Pentagon. When I threatened a subpoena, we finally got them to agree to a Friday afternoon hearing in March 1983. The Pentagon hoped the hearing would get buried in the end-of-the-week news cycle. Instead, on Monday morning the newsstands featured a painting of Chuck Spinney on the front cover of Time Magazine. It labeled him as a “Pentagon Maverick.” I called him the “conscience of the Pentagon.”¶ The country owes a debt of gratitude to people like Ernie Fitzgerald and Chuck Spinney. It takes guts to put your career on the line to expose waste and fraud.¶ In the mid-1980s, we dusted off an old Civil War-era measure known as the False Claims Act as way to encourage whistleblowers to come forward and report fraud. We amended the law in 1986 to create the modern False Claims Act, which has resulted in over \$40 billion in taxpayer dollars being recovered for the federal treasury. We made sure when we passed it that it contained very strong whistleblower protections. Those provisions helped to build up support for whistleblowing.¶ People like Chuck Spinney and Ernie Fitzgerald helped capture the public imagination and showed what whistleblowers could accomplish. However, that didn’t mean the Executive Branch stopped trying to silence them. For example, in the spring of 1987, the Department of Defense asked Ernie to sign a nondisclosure form. It would have prohibited him from giving out “classifiable” information without prior written authorization. That, of course, would have prevented giving it to Congress. Further, the term “classifiable” didn’t only cover currently classified information. It also covered any information that could later become classified. The government-wide nondisclosure form arguably violated the Lloyd-LaFollette Act of 1912. That law states that “the right of employees . . . to furnish information to . . . Congress . . . may not be interfered with or denied.” ¶ Just to make sure, I added the so-called “anti-gag” appropriations rider that passed Congress in December of 1987. It said that no money could be used to enforce any nondisclosure agreement that interferes with the right of individuals to provide information to Congress. It remained in every appropriations bill until 2013. I then worked to get that language into statute in 2012 with the Whistleblower Protection Enhancement Act. By the time of the first anti-gag rider in 1987, there was widespread recognition that all federal employees ought to be protected in disclosing waste and fraud to Congress. ¶ Meanwhile, I had also worked with Senator Levin to co-author what we called the Whistleblower Protection Act. We introduced it in February 1987. There were hearings on our bill in the summer of 1987 and the spring of 1988. It proceeded to pass the Senate by voice vote in August, then the House unanimously in October. After reconciling the differences, we sent the bill to the White House. However, President Reagan failed to sign it. That meant we had to start all over again in the next Congress.¶ We didn’t let that stop us though. When we reintroduced the bill in January 1989, I came to the floor to make the following statement:¶ We’re back with this legislation in the 101st Congress, and this time, we’re going to make it stick. Congress passed this bill last fall, after extensive discussions with members of the Reagan administration. But in spite of the compromise we worked out, this bill fell victim to President Reagan’s pocket veto.¶ Whistleblowers are a very important part of Government operations. By exposing waste, fraud, and abuse, they work to keep Government honest and efficient. And for their loyalty, they are often penalized—they get fired, demoted, and harassed. ¶ . . . Under the current system, the vast majority of employees choose not to disclose the wrongdoing they see. They are afraid of reprisals and the result is a gross waste of taxpayers’ dollars. Government employers should not be allowed to cover up their misdeeds by creating such a hostile environment.¶ Once again the bill passed the Senate and House without opposition. Working with George H.W. Bush, this time we got the president to sign it. On April 10, 1989, the Whistleblower Protection Act became law.¶ Whistleblower Protections for the Intelligence Community¶ We left part of the work undone 25 years ago. The Civil Service Reform Act of 1978 had exceptions for the FBI, the CIA, the NSA, and the other parts of the intelligence community. ¶ The Whistleblower Protection Act left employees of those agencies unprotected, and so have the laws that followed it. ¶ Back in 2012, I championed the addition of intelligence whistleblower protections to the Whistleblower Protection Enhancement Act. The provision I authored prohibited various forms of retaliation, including changing an employee’s access to classified information. Working closely with the Senate Select Committee on Intelligence, we got that language into the bill that passed the Senate by unanimous consent on May 8, 2012. However, it was not included in the bill the House passed on September 28, 2012. ¶ Prior to the differences being reconciled, on October 10, 2012, President Obama issued Presidential Policy Directive 19. It provided certain limited protections for whistleblowers with access to classified information. However, it was weaker than the provisions I had authored in the Whistleblower Protection Enhancement Act. Unfortunately, President Obama’s action undercut support for those provisions by suggesting that statutory protection was now unnecessary. The final law that passed in November left intelligence whistleblowers at the mercy of the presidential directive.¶ Now, much of the language I had championed is in the version of the intelligence authorization bill that was passed by the Senate last November. It is certainly a step up from Presidential Policy Directive 19. Making any protections statutory is significant. The Senate-passed authorization bill also has better substantive protections than the presidential directive.¶ It does still have some gray area. It leaves some of the policy and procedure development to the discretion of the Executive Branch. In 1989, we did a similar thing with the FBI. The protections of the Whistleblower Protection Act didn’t apply to the FBI. Yet that law did require the Attorney General to implement regulations for FBI whistleblowers consistent with those in the Whistleblower Protection Act. However, it soon became clear that was a little like putting the fox in charge of the henhouse. The Justice Department and the FBI simply ignored that part of the law for nearly 10 years. Not until 1997 did the Attorney General finally implement regulations for whistleblowers in the FBI.¶ The Justice Department was pushed into finally issuing those regulations by an FBI employee named Dr. Fred Whitehurst. Dr. Whitehurst was considered by the FBI to be its leading forensic explosives expert in the 1990s. Shortly after the Whistleblower Protection Act was passed in 1989, he disclosed major problems with the FBI Crime Lab. From 1990 to 1995, he wrote close to 250 letters to the Justice Department Inspector General about these problems. In January of 1996, he formally requested that the President implement regulations as required by the Whistleblower Protection Act. Only after Fred was suspended in early 1997 did the White House finally issue such a memo to the Attorney General. It instructed her to create a process for FBI whistleblowers as directed by the Whistleblower Protection Act. Fred’s case dragged on for another year until the FBI finally agreed to settle with him in February 1998.¶ Fred Whitehurst is not alone. Over the years, others such as Mike German, Bassem Youssef, Jane Turner, and Robert Kobus have blown the whistle from within the FBI. Even after the Inspector General issued findings in their favor, several had to navigate a never ending, Kafka-esque internal appeals process. It seems designed to grind them into submission through years of inaction.¶ Now history has started to repeat itself. As Congress was passing the Whistleblower Protection Enhancement Act in 2012, President Obama issued Presidential Policy Directive 19. It tasked Attorney General Holder with reevaluating the same FBI whistleblower procedures that Fred Whitehurst helped get in place in 1997. The Attorney General was given 6 months to report back. When he didn’t issue that report at the 6-month mark, I asked the Government Accountability Office to do its own, independent evaluation of FBI whistleblower protections. Now, 18 months after the President’s directive, Attorney General Holder still hasn’t released his report. Potential whistleblowers should not have to wait a decade, as they did with the first set of regulations. It appears that the Justice Department is simply sitting on its hands once again.¶ The example of the FBI should be instructive. Unlike the Whistleblower Protection Act, any statutory intelligence whistleblower provisions must be much more detailed about the protections Congress intends. ¶ Meanwhile, the FBI fiercely resists any efforts at Congressional oversight, especially on whistleblower matters. For example, four months ago I sent a letter to the FBI requesting its training materials on the Insider Threat Program. This program was announced by the Obama Administration in October 2011. It was intended to train federal employees to watch out for insider threats among their colleagues. Public news reports indicated that this program might not do enough to distinguish between true insider threats and legitimate

whistleblowers. I relayed these concerns in my letter. I also asked for copies of the training materials. I said I wanted to examine whether they adequately distinguished between insider threats and whistleblowers. ¶ In response, an FBI legislative affairs official told my staff that a briefing might be the best way to answer my questions. It was scheduled for last week. Staff for both Chairman Leahy and I attended, and the FBI brought the head of their Insider Threat Program. Yet the FBI didn't bring the Insider Threat training materials as we had requested. However, the head of the Insider Threat Program told the staff that there was no need to worry about whistleblower communications. He said whistleblowers had to register in order to be protected, and the Insider Threat Program would know to just avoid those people. ¶ Now I have never heard of whistleblowers being required to "register" in order to be protected. The idea of such a requirement should be pretty alarming to all Americans. Sometimes confidentiality is the best protection a whistleblower has. Unfortunately, neither my staff nor Chairman Leahy's staff was able to learn more, because only about ten minutes into the briefing, the FBI abruptly walked out. FBI officials simply refused to discuss any whistleblower implications in its Insider Threat Program and left the room. These are clearly not the actions of an agency that is genuinely open to whistleblowers or whistleblower protection. ¶ Like the FBI, the intelligence community has to confront the same issue of distinguishing a true insider threat from a legitimate whistleblower. This issue could be impacted by both the House- and Senate-passed versions of the intelligence authorization. Both include language about continuous monitoring of security clearance holders, particularly the House version. ¶ Director of National Intelligence James Clapper seems to have talked about such procedures when he appeared before the Senate Armed Services Committee on February 11, 2014. In his testimony, he said: ¶ We are going to proliferate deployment of auditing and monitoring capabilities to enhance our insider threat detection. We're going to need to change our security clearance process to a system of continuous evaluation. . . . What we need is . . . a system of continuous evaluation, where . . . we have a way of monitoring their behavior, both their electronic behavior on the job as well as off the job, to see if there is a potential clearance issue. . . . ¶ Director Clapper's testimony gives me major pause. It sounds as though this type of monitoring would likely capture the activity of whistleblowers communicating with Congress. ¶ To be clear, I believe the federal government is within its rights in monitoring employee activity on work computers. That applies all the more in the intelligence context. However, as I testified before the House Oversight and Government Reform Committee recently, there are areas where the Executive Branch should be very cautious. The House Oversight Committee held a hearing on electronic monitoring that the U.S. Food and Drug Administration had done of certain whistleblowers in the agency. This monitoring was not limited to work-related activity. The FDA allows its employees to check personal email accounts at work. As a result, its whistleblower monitoring captured personal email account passwords. It also captured attorney-client communications and confidential communications to Congress and the Office of Special Counsel. Some of these communications are legally protected. ¶ If an agency captures such communications as the result of monitoring, it needs to think about how to handle them differently. Otherwise, it would be the ideal tool to identify and retaliate against whistleblowers. Without precautions, that kind of monitoring could effectively shut down legitimate whistleblower communications. There could be safeguards, however. For example, whistleblower communications could be segregated from other communications. Only limited groups could have access rather than all of upper management. In any case, whistleblowing disclosures to Congress or the Special Counsel can't just be routed back to the official accused of wrongdoing. ¶ As the 1990 Executive Order made clear, whistleblowing is a federal employee's duty. It should be considered part of their official responsibilities, and something they can do on work time. However, that doesn't mean they aren't allowed to make their protected disclosures confidentially, to protect against retaliation. A federal employee has every right to make protected disclosures anonymously, whether at work or off the job. Every member of this body should realize that without some safeguards, there is a chance their communications with whistleblowers may be viewed by the Executive Branch. ¶ These same considerations apply in the intelligence community. The potential problems are heightened if electronic monitoring extends off the job, such as Director Clapper mentioned. We have to balance detecting insider threats with letting whistleblowers know that their legitimate whistleblower communications are protected. With continuous monitoring in place, any whistleblower would understand that their communications with the Inspector General or Congress would likely be seen by their agency. They might perhaps even be seen by those they believe are responsible for waste, fraud or abuse. That leaves the whistleblowers open to retaliation. Even with the protections in this bill, we should all understand that it's difficult to prevent retaliation. It requires a lengthy process for an individual to try and prove the retaliation and get any remedy. It's far better where possible to take precautions that prevent the likelihood of retaliation even occurring. Otherwise, we will make it virtually impossible for there even to be such a thing as an intelligence community whistleblower. Fraud and waste will go unreported. No one will dare take the risk. ¶ Value of Whistleblowers ¶ To return to the theme I started on, whistleblowers need protection from retaliation today just as much as they did 25 years ago when we passed the Whistleblower Protection Act. I've always said whistleblowers are too often treated like a skunk at a picnic. However, 25 years after the Whistleblower Protection Act, the data on whistleblowing is in, and the debate on whether to protect whistleblowers is over. There is widespread public recognition that whistleblowers perform a valuable public service. ¶ Earlier this year, PricewaterhouseCoopers found that 31% of serious fraud globally was detected by whistleblowing systems or tip-offs. According to a 2012 report from another organization, that number is even higher when looking just in the U.S., with 51% of fraud tips coming from a company's own employees. In 2013, of U.S. workers who had observed misconduct and blown the whistle, 40% said that the existence of whistleblower protections had made them more likely to report misconduct. ¶ Whistleblowers are particularly vital in government, where bureaucrats only seem to work overtime when it comes to resisting transparency and accountability. A year and a half after the Whistleblower Protection Act, President Bush issued an Executive Order in 1990 that said that all federal employees "shall disclose waste, fraud, abuse and corruption to appropriate authorities." Federal employees are still under that obligation today. They are fulfilling a civic duty when they blow the whistle. I have encouraged President Reagan and every president after him that we ought to have a Rose Garden ceremony honoring whistleblowers. Unfortunately, that has not happened. ¶ Further, while the

Obama Administration promised to be the most transparent in history, it has instead cracked down on whistleblowers like never before.

Last week the Supreme Court denied a petition to hear an appeal from a case named Kaplan v. Conyers. The Obama Administration's position in that case, if allowed to stand, means untold numbers of federal employees may lose some of the very same appeal rights we tried to strengthen in the Whistleblower Protection Act. It could be half or more of federal employees impacted. Such a situation would undo 130 years of protection for civil servants, dating back to the Pendleton Civil Service Reform Act of 1883. President Obama promised to ensure that whistleblowers have full access to courts and due process. However, his Administration has pursued the exact opposite goal here. That is unacceptable. ¶ I think it's important to send a loud and clear signal that waste, fraud, and abuse won't be tolerated in government. That's why I'm pleased to announce that I will be forming a whistleblower protection caucus. I'll be talking to my colleagues at the beginning of the 114th Congress. Until then, I'll be talking to my colleagues and encouraging them to join me as we start putting together an agenda for the caucus in the new Congress. As we celebrate the 25th anniversary of the Whistleblower Protection Act, we should all recognize whistleblowers for the sacrifices they make. Those that fight waste, fraud, and abuse in government should be lauded for their patriotism. ¶

Whistleblower protections are only worth anything if they're enforced. Just because we've passed good laws does not mean we can stop paying attention to the issue. There must be vigilant oversight by Congress. The best protection for a whistleblower is a culture of understanding and respecting the right to blow the whistle. I hope this whistleblower caucus will send the message that Congress expects that kind of culture. I call on my colleagues to help me make sure that whistleblowers continue to receive the kind of protection they need and deserve.

Transfer CP's/Oversight

CP links to politics – transferring intelligence causes political backlash

Porter 14

(Michael Lawrence, Master in Security Studies, “Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements,” pg online @ <http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y//ghs-ef>)

Given the many insider threat-related challenges the CI Community faces, the United States has done a great deal to confront this dangerous enemy. Nonetheless, the CI Community must make additional changes due to weaknesses in the current legislative processes, organizational interactions, and other issues involved in this effort 99. As addressed in Chapter 3, the structure of the CI Community has adapted over the years, but the sad reality is that these changes happened largely as a result of failures in the system and kneejerk reactions designed to address specific instances of failure100. Even then, the changes that do occur often do not

come easily and are the result of extensive reform processes throughout the IC. The ever-present threat posed by insiders means that the US CI Community must routinely evaluate the process it operates under and look to better itself. Our CI specialists

must address a range of persistent vulnerabilities to help strengthen the American security apparatus. The problem is that substantive reform is often very difficult to accomplish in the IC, and subsequently the CI Community, for two reasons. First, intelligence reform is usually more politically

motivated than it is focused on, and motivated by, the need for substantive change101. Second, since the IC is a tool of the policy makers, who ultimately oversee these organizations, this often means that the people making decisions for the IC have little to no real understanding of the Intelligence process102. As Chapter 3 demonstrated, there were multiple reforms over the past 20 years that have helped mold the CI Community into an organization that could fight the insider threat. These changes however, were not the result of planned reform, they were reactionary movements to larger community failures that allowed insiders like Ames, Hanssen, and Hassan to exist. Politicians do not like huge failures for political reasons, so large high-profile events act as “motivation” for change, and to show their constituents that they are making things better103. Policymakers drive the intelligence cycle. As the driving force, they should continually evaluate the systems in place, judging their effectiveness and adapting them as needed104. Unfortunately, this is often not the priority of those in the policy community105. The absolute certainty of the need for reforms in the CI Community begs the question, why have major substantive reforms not happened yet? The answer to this question relates to the challenges that intelligence reform faces: time, concession of power, and consensus. Time is a valuable commodity and one that has a dramatic impact on the actions of people everywhere. Whether it is rushing to meet a deadline or hanging on for the long run, time seems to dictate our lives, and this idea could not be truer for both the IC and the policy community. The reason that time is such a significant challenge to reform has to do with the nature of the IC and CI communities, the policy community, and the dramatically different understandings they have of time. First, in the IC there has traditionally been less sense of time-urgency, because before 9/11 intelligence was seen mostly as a long-run game, an endurance race. The challenges posed by agile extremist organizations have forced the IC to face a new paradigm in this arena. However, when it comes to collecting, analyzing, and exploiting so much information from the enemy, whether that is an insider threat, a nation-state he spies for, or an ITO supporting him, the operations tend to last for years. As intelligence professionals see it, steady analysis not rushed by political pressure is the key to success. Conversely, in Congress and the White House, politicians are rushed to make their mark by showing their constituents what they have accomplished. In this sense, they often view intelligence as a tool to gain large results in a short period of time. With the two operating under a different time frame there are bound to be confrontations107. The second and most important way that time holds back reform is in the reform process itself. Given that reform will be drafted and incorporated by the policy community, the US Congress cannot simply “change.” Rather, there have to be bills written, voted on, debated, passed, and signed into law. This all takes time—a very long time. To make matters worse, it is the legislature’s right to conduct an investigation into failures, or reasons for reform108. As Berkowitz states, “Commissions take months to convene, staff, and complete their work. Experience shows that commissions require, on average, a year or two to report their results—and even more time to declassify their reports so they can be released for public discussion. During this time, any passion officials might have had for fixing intelligence ebbs and the public’s attention wanders to other matters.” Just one example of this is the September 11th Commission, which was formed a year after the attacks, releasing results two years later, and passing changes through Congress 10 months later109. The problem here is that the IC has its most fervent reform supporters immediately after the failure, as was the case with Ames, Hanssen, and Manning, yet as time drags on, the supporters of reform begin to become busy with other things, and the

intended reforms do not come to fruition110. The next major barrier to reform is cession of power, because giving up power is not what any agency, or leader, wants to do111. This desire to maintain power often results in nothing

more than long debates and very weak results, if any at all. An example of this is clear within the IC. In 2002, with the creation of the position of the NCIX, the Counterintelligence Enhancement Act of 2002 tasked the NCIX with developing the annual National CI Strategy. Developing this strategy would be based on the NTPA as stated in Chapter 3. The problem is that the NTPA and the CI Strategy are not based on the Director of National Intelligence’s National Intelligence Strategy (NIS), nor does the NIS say anything about CI112. This is because with the creation of the NCIX in 2002, it was given the power of drafting the CI Strategy, while the DNI, created in 2004, does not have the power to “develop” any part of the CI strategy. This is one area where a small cession of power and cooperation between organizations could go a long way to unifying the role that the DNI has within the IC113. This tight hold on the CI Community has had drastic consequences for the office of the DNI, which was originally designed to provide leadership and guidance for all of the IC, but left weak and limited.

Cts Fail

Courts can't protect FDA whistleblowers – example

Rein '14 Lisa, Reporter, 9-24 Judge Dismisses Lawsuit by FDA Whistleblowers

<http://www.washingtonpost.com/blogs/federal-eye/wp/2014/09/24/judge-dismisses-lawsuit-by-fda-whistleblowers/> //CEB

U.S. District Court judge this week dismissed a lawsuit by six current and former Food and Drug Administration scientists whose private communications were secretly monitored by the agency after they complained about the safety of medical devices. Judge Reggie B. Walton of the District called the scientists' claim that the FDA violated their constitutional rights by spying

on their government and personal e-mail accounts "troubling." But he did not address the merits of the case, and concluded in a written ruling that the court does not have jurisdiction because the scientists failed to exhaust the administrative remedies they were required to go through before filing suit. The scientists claimed that after they blew the whistle on medical devices they believed posed unacceptable risks to patients, they became targets of a wide-ranging, targeted surveillance of their e-mails and other communications by top FDA officials, with full knowledge of the U.S. Department of Health and Human Services, its parent agency. The FDA acknowledged that the monitoring took place, but said its scope was limited and said the spying was within the agency's rights to conduct, since the scientists had disclosed what the government described as proprietary company information on medical devices. Tuesday's ruling caps a bitter case that led HHS to issue new guidelines that put some limits on targeted surveillance of employees. The case also prompted the Office of Special Counsel, an independent agency that investigates disclosure of government wrongdoing and retaliation against those who report it, to warn federal agencies that monitoring their employees' personal e-mail violated the law if the intent was to retaliate against whistleblowers. The White House distributed the warning to agencies across the government, an acknowledgment by the Obama administration that there are limits to employee surveillance. Stephen M. Kohn, the scientists' attorney, declined comment. FDA spokeswoman Erica Jefferson said in a statement that the agency is "pleased with the court's decision to dismiss a lawsuit against the agency involving six individuals who work for, or formerly worked for, the FDA, and concerning allegations about its handling of various medical device reviews and approvals." The surveillance of the FDA scientists — detailed in e-mails and memos they unearthed — took place over two years as they accessed their personal Gmail accounts from government computers. The scientists alleged in the lawsuit that information garnered this way contributed to the harassment or dismissal of all six of them. All had worked in an office responsible for reviewing devices for cancer screening and other purposes. They brought their concerns to Congress, the White House and the HHS inspector general. Walton wrote that the scientists "alleged no shortage of facts establishing that the defendants took, or threatened to take, a variety of prohibited personnel actions against them for their whistleblower activities."

He also said the e-mail surveillance would fall under the umbrella of "prohibited personnel actions," a series of no-nos for government agencies when dealing with federal workers. But the judge ruled that federal Civil Service laws require the plaintiffs to pursue their claims through administrative channels before the court could consider the case. The case is still under review by the Office of Special Counsel. Walton also rejected some of the scientists' claims on the merits. They accused the FDA of violating the First Amendment with the spying by restricting the public's opportunity to "associate" with the plaintiffs and get access to public information. Walton wrote that that claim "amounts to nothing more than a generalized grievance," that the U.S. Supreme Court has prohibited. The case was dismissed without prejudice. The scientists could attempt to bring a new complaint after they have completed the administrative process.

IT Reforms CPs

2AC Link to Ptix

Consensus on 'Insider Threats' definition requires time and capital

Porter 14

(Michael Lawrence, Master in Security Studies, "Combating Insider Threats: An Analysis Of Current United States

Insider Threat Policies And Necessary Improvements," pg online @
[//ghs-ef\)](http://repositories.tdl.org/asu-ir/bitstream/handle/2346.1/30135/PORTER-THESIS-2014.pdf?sequence=1&isAllowed=y)

The first improvement that is needed is the establishment of a common definition of an insider threat

Currently, there are over 15 different definitions as outlined in the NCIX's Official Terms & Definitions of Interest List¹²². Such a broad list of definitions leaves many questions in the minds of the different IC agencies as to what an insider threat is, and who has jurisdiction regarding collection, analysis, and apprehension. Most importantly, the definition in the 2012 National Policy lacks any sort of tie to a foreign nexus¹²³. This vague language creates confusion as to who has jurisdiction over potential insiders. According to the policy definition, CI would have been responsible for identifying and handling any threat, to include domestic law enforcement cases. The problem is that if these threats are American citizens, not working for extremist organizations or foreign nations, then CI does not have jurisdiction as assigned in EO 12333¹²⁴. This current lack of specificity can cause confusion when it comes to

handling insider threats, because over utilization of CI and LE on areas outside of their jurisdiction leaves them both over-exerted and stretched thin¹²⁵. Furthermore, establishing a definition will

be difficult with as many different and divergent definitions as we already have throughout the

government. As was mentioned, consensus is important and right now there is none. Changing this will require the

NITTF to build common ground and push past the differences. The important thing to remember is that words have meanings and, as the 2009 NIS

states, insider threats are the priority for CI¹²⁶. An open-ended definition will tax a stressed organization. Specificity allows work to be spread across the spectrum of CI and Law Enforcement cases and thus increase the amount of success.

AT: FDA \$ CP

2AC Perm: Do Both

Permutation solves and is necessary – even with the support of the counterplan, whistleblowers are STILL essential to keep the FDA credible

Their own Author Dr. Feder '9

(The FDA's Deadly Gamble with the Safety of Medical Devices,” pg online @

[//um-ef\)](http://www.pogo.org/our-work/reports/2009/ph-fda-20090218.html#Recommendations)

3. Whistleblower protection. Even with full transparency, whistleblowers will still be essential to keeping the FDA accountable. Much of the information in this report was provided by FDA whistleblowers who contacted POGO. **Almost all were fearful of retaliation from the FDA if their identities became known.** Congress should pass legislation and the President should issue an Executive Order to strengthen federal employee whistleblower protections. **Such changes would not only improve the FDA's operations, but would also go a long way toward making the federal government more accountable.**

2AC Solvency Deficit: Corruption

The counterplan doesn't solve credibility – corrupt officials will still pressure scientists and protect industry – the plan is critical

Mundy 9

(Alicia, WSJ, “FDA Scientists Ask Obama to Restructure Drug Agency,” pg online @ <http://www.wsj.com/news/articles/SB123142562104564381> //um-ef)

WASHINGTON -- A group of scientists at the U.S. Food and Drug Administration on Wednesday sent a letter to President-elect Barack Obama's transition team pleading with him to restructure the agency, saying managers have ordered, intimidated and coerced scientists to manipulate data in violation of the law. The nine scientists, whose names have been provided to the transition team and to some members of Congress, say the FDA is a "fundamentally broken" agency and describe it as place where honest employees committed to integrity can't act without fear of reprisal. "There is an atmosphere at FDA in which the honest employee fears the dishonest employee," according to the letter, addressed to John Podesta, head of Mr. Obama's transition team. The letter will likely increase pressure on Tom Daschle, Mr. Obama's choice to head the Department of Health and Human Services, to make sweeping changes at the agency. The scientists' main concerns are with the agency's scientific review process for medical devices, which they characterize as having been "corrupted and distorted by current FDA managers, thereby placing the American people at risk." They sent a similar letter in October to the powerful House Energy and Commerce Committee, but the latest one provides more detailed allegations about problems at the agency, such as the threat of disciplinary action against scientists who dissent from management. The FDA has been working "very closely" with Mr. Obama's transition team and will address any issues or concerns the team presents, said agency spokeswoman Judy Leon. She said the agency is "actively engaged in a process to explore the staff members' concerns and take appropriate action." The group says they have taken their concerns to the head of the FDA, Commissioner Andrew von Eschenbach, and his assistant commissioner for accountability and integrity, attorney Bill McConagha. The scientists say no one has been held accountable, and say some of the problematic managers have been promoted and rewarded. The Energy and Commerce Committee's Democratic and Republican leaders sent a letter to von Eschenbach in November, saying it had "received compelling evidence of serious wrongdoing" at the agency. The members wrote that they were told McConagha had found the FDA doctors' evidence compelling, and that their findings supported removal of certain managers in the device division. The agency has been under fire from both parties in both Houses of Congress as being too close to industry. Several leading politicians, including Sen. Chuck Grassley have complained that FDA leaders often ignore or suppress their own scientists' opinions on safety issues involving drugs and devices. Those concerns were also aired in a report by the National Academy of Sciences' Institute of Medicine in 2006. FDA leaders, including drug division chief Janet Woodcock, have said they are working to improve the culture at the FDA, and are listening to dissent from their experts and doctors. In addition to Mr. Daschle, the letter was sent to the doctor leading the transition team's assessment of problems at the FDA, Joshua Sharfstein, and to nine members of Congress including Sen. Edward Kennedy who chairs the Health Committee. Members of the transition team weren't available to discuss the letter or whether they intend to address it publicly. The scientists appear to hope that their concerns will pressure Mr. Daschle to quickly change leadership at the FDA. Von Eschenbach has said he is planning to step down on Jan. 20, the date of Mr. Obama's inauguration. Indeed, the group said Mr. Daschle has recognized in his book, *Critical: What We Can Do About the Health-Care Crisis*, that the 1998 approval of some mammography computer-aided detection devices is an example of the breakdown of the independent scientific review process at the FDA. The group says the FDA approved such devices without clinical evidence showing they were effective in detecting breast cancer. Since 2006, FDA physicians and scientists have recommended five times that these devices not be approved without valid scientific and clinical evidence. The group said there needs to be a complete restructuring of the evaluation and approval process, and that Mr. Obama needs to sign new legislation giving protection to government employees who speak out against corruption.

AT: WB Incentives CP

2AC Retaliation Key

Preventing the threat of retaliation is key – failure means whistleblowers wont talk – only the plan’s mechanism solves

Grassley and Wyden, 2014

Letter to NID, <http://www.grassley.senate.gov/news/news-releases/grassley-wyden-press-answers-continuous-monitoring-whistleblower-and-legislative> //CEB

If whistleblower communications with Inspectors General or with Congress are routinely monitored and conveyed to agency leadership, it would defeat the ability to make protected disclosures confidentially, which is especially important in an intelligence community context. Truly meaningful whistleblower protections need to include the option of a legitimate channel for confidential disclosures. Inspectors General and Congress provide such an option. However, if potential whistleblowers believe that disclosing waste, fraud or abuse means putting a target on their backs for retaliation, they will be intimidated into silence. The failure to provide such protected alternatives could result in whistleblowers choosing to make unprotected disclosures in public forums, with potential negative consequences for national security. In particular, any monitoring of employees’ “electronic behavior on the job as well as off the job” needs to include safeguards to prevent the chilling of legitimate whistleblower communications and protect the confidentiality of any legally privileged information. Procedural safeguards to prevent the targeting of whistleblowers for extra scrutiny as well as minimization requirements to avoid collecting protected communications are some examples of the sorts of safeguards that should be developed. If captured inadvertently, protected disclosures certainly should never be routed back to an official involved in any alleged wrongdoing reported by the whistleblower. We believe it is critical that these issues be carefully considered and resolved before fully implementing any policy of continuous monitoring.

Add-ons

Add-on: Whistleblowers

ITP creates a climate that normalizes the intimidation whistleblowers. They will be treated as spies and enemies of the state

Gosztola 13 – American journalist, author, and documentary filmmaker known for work on whistleblowers, Wikileaks, national security, secrecy, civil liberties, and digital freedom [Kevin Gosztola, “Obama’s ‘Insider Threat’ Program: Discourages Whistleblowing, Treats Leaking as Aiding the Enemy,” Firedoglake, June 21, 2013 at 12:59 PM PDT, pg. <http://tinyurl.com/ohpgslr>]

A Climate That Intimidates Potential Whistleblowers

The “insider threat” program started after Pfc. Bradley Manning was found to have disclosed US government information to WikiLeaks. Obama signed off on a memo in November 2012 that instructed departments and agencies to set up policies or procedures for gathering, integrating, and centrally analyzing and responding to “key threat-related information,” monitoring employee use of classified networks and providing the workforce with “insider threat awareness training” while at the same time protecting “the civil liberties and privacy of all personnel.” Threats to be monitored included “potential espionage, violent acts against the Government or the Nation, and unauthorized disclosure of classified information, including the vast amounts of classified data available on interconnected United States Government computer networks and systems.”

The program further indicates that the Obama administration, which has prosecuted more whistleblowers or alleged leakers in the past four years than any other previous administration, has a disposition against the free flow of information. In many ways, it creates a climate that intimidates potential whistleblowers.

From Taylor and Landay’s story:

“The real danger is that you get a bland common denominator working in the government,” warned Ilana Greenstein, a former CIA case officer who says she quit the agency after being falsely accused of being a security risk. “You don’t get people speaking up when there’s wrongdoing. You don’t get people who look at things in a different way and who are willing to stand up for things. What you get are people who toe the party line, and that’s really dangerous for national security.”

Or, as one unnamed Pentagon official quoted in the story declared, “The danger is that supervisors and managers will use the profiles for ‘Disgruntled Employees’ and ‘Insider Threats’ to go after legitimate whistleblowers.”

“The executive order says you can’t offend the whistleblower laws. But all of the whistleblower laws are about retaliation. That doesn’t mean you can’t profile them before they’re retaliated against,” the official added.

As early as April 2011, agencies like the Pentagon had setup working groups to develop strategies and plans of action and “milestones aimed at improving” their ability to “prevent accidental” leaks. They also aimed to “deter intentional public disclosure of classified national security information.” The Insider Threat Task Force began to meet in October of last year. An incident reporting system at the Pentagon was fully operational in December 2011.

The program further entrenches and streamlines policies that have existed in different agencies in various forms throughout the past decade. It **normalizes the treatment of leakers as spies**, who will be prosecuted under the Espionage Act, even if they are not trying to sell secrets or collect information for an “enemy” or foreign power.

Employees Informed They Could Be Rewarded for Turning in People Who Might Commit Espionage

According to the “Treason” course, there is even a monetary incentive dangled in front of federal government employees to encourage snitching on others:

If your reporting helps stop a case of espionage, you may be eligible for a reward of up to \$500,000. The reward is authorized by an amendment to Title 18, U.S.C., Section 3071, which authorizes the Attorney General to make payment for information on espionage activity in any country which leads to the arrest and conviction of any person(s):

For commission of an act of espionage against the United States.

For conspiring or attempting to commit an act of espionage against the United States

Or which leads to the prevention or frustration of an act of espionage against the United States.

A Defense Security Service online pamphlet suggests, “It is better to have reported overzealously than never to have reported at all.” There are no penalties for informing on someone, if that tip is completely unfounded or found to be submitted for disingenuous purposes.

The Defense Department told McClatchy:

The individual is not penalized for reporting something in good faith that may turn out to be unfounded. Pursuant to DoD directive 5240.06, Counterintelligence Awareness and Reporting, department personnel are required to report suspicious incidents concerning possible foreign intelligence service or international terrorist threats...

The Wider War on Information by the Obama Administration

The “Insider Threat” Program’s implementation has occurred under a president that has deliberately excluded national security policies from transparency efforts. It has been put into place under an administration with a propensity for chilling confidential news sources. It has continued to invoke the state secrets privilege in court so that judges cannot make decisions on whether laws or policies are unconstitutional or illegal. It has denied protections for national security or intelligence whistleblowers. And it also has expanded a body of secret law by refusing to disclose secret interpretations of the PATRIOT Act and FISA court rulings. (Only now, with disclosures by former NSA contractor Edward Snowden, is the public getting to see what parameters for surveillance are considered legal.)

Last year, the Senate Select Committee on Intelligence led by Sen. Dianne Feinstein tried to pass “anti-leaks” proposals that would have further created a climate discouraging good government employees from blowing the whistle. It proposed that “certain people be prohibited from serving as consultants or having contracts with media organizations; only a limited number of individuals in intelligence agencies be permitted to speak with members of the media and stripping employees of federal pension benefits if they were responsible for an “unauthorized disclosure.” [Ultimately, they did not pass because Sen. Ron Wyden opposed them.]

It is programs like the “Insider Threat” Program that make it increasingly impossible for employees to “go through the proper channels” when revealing corruption, but that appears to be an acceptable and welcome byproduct of this culture being fostered that is like something out of the era of the Red Scare. [Although, it was already a guarantee that “going through the proper channels” would make you a target.]

National security agencies desperately want the Executive Branch to arrogate power and operate like a dictatorship so they can have the ability to operate without restriction and treat the world as a battlefield. They crave an administration that works to normalize what has often been considered prohibited by laws or the Constitution. They expect Congress, when informed about what they are doing, to not challenge what they do but to rationalize what they do to the American people in such a way that citizens are led to believe there is no reason to worry about the authorities and powers being claimed. And, finally, they do not want any one to take a stand and put the government in a position where agencies have to reassess what they are doing. That is why whistleblowers are treated as “informers” or spies.

It makes Orwell’s 1984 a reality and undermines 2002 No Fear Act

Coleman-Adebayo 13 – Former Senior Policy Analyst @ EPA. Won an historic lawsuit against the EPA on the basis of race, sex, color discrimination, and a hostile work environment. [Dr. Marsha Coleman-Adebayo (Ushered the Notification of Federal Employees Anti-discrimination and Retaliation Act [No FEAR] through Congress.), “Big Brother: Coming to a Federal Government Agency Near You,” Black Agenda Report, Tue, 07/16/2013 - 17:35, pg. <http://tinyurl.com/pffxbhb>

“The program provides a green light for everyone to spy on each other.”

George Orwell published his seminal novel Nineteen Eighty-Four in 1949, predicting the future in thirty-four years. The story takes place in a country fueled by perpetual war, omnipresent government surveillance, and public mind-control by a political system under the authority of a privileged 1% corporate oligarchy. The 1% penalizes independent thinking known as “thoughtcrimes” and citizens who would be identified today as whistleblowers. Orwell’s national security state is headed by a party leader named Big Brother. This leader enjoys a cult of personality, commands unconditional loyalty and considers any dissent as a threat to national sovereignty. Sound familiar?

Mark Twain once remarked that “Truth is stranger than fiction...because fiction is obliged to stick to possibilities; truth isn’t.” Many critics of US domestic and foreign policy are noting the Orwellian similarities between the current administration’s war on whistleblowers and the one envisioned by Orwell, except that one is fiction and the other is reality for U.S. citizens in the year 2013.

Two years before Edward Snowden courageously exposed NSA wide-spread phone surveillance against US citizens and foreign countries, Pvt. Bradley Manning, currently facing trial at Fort Mead, allegedly downloaded hundreds of thousands of documents from a classified computer network and provided them to Wikileaks. In response to Manning’s exposure of “Big Brother,” President Obama signed an Executive Order on October 2011 initiating an historic sweeping “Big Brother” program in the federal government known as the Insider Threat Program (ITP.) Except for the McClatchy news organization, the

ITP has received virtually no attention from the mainstream corporate media, yet it has the potential to make the government abuses profiled in **Orwell's Nineteen Eighty-Four look amateurish.**

“The Insider Threat Program Except has received virtually no attention from the mainstream corporate media.”

The Insider Threat Program seeks to identify potential whistleblowers before information is leaked to the public and to coerce federal employees to participate in the program, through a cocktail of incentives and **ham-fisted fear tactics.**

The Insider Programs' reach exceeds US national security bureaucracies to include most federal agencies, such as, the Peace Corps, the Social Security Administration, Agriculture and Education. By Executive Order, the Administration has turned the federal government into an environment where every employee is **responsible for “turning in” any co-worker suspected of suspicious behavior, similar to what happened during the Nazi regime of turning in your neighbors and colleagues.** Documents reviewed by McClatchy reveal that the Insider program pits employees against contractor and vice versa by reporting “high-risk persons or behaviors’ among colleagues or they could face penalties for not reporting them, including being charged criminally. Leaks to the media, such as those to Wikileaks, are equated with espionage.”

According to the McClatchy report, the Department of Education has informed its workforce that employees going through difficult life experiences such as stress, divorce, financial problems or frustrated with co-workers or the organization must be reported to appropriate authorities. Essentially, the program provides a green light for everyone to spy on each other with the caveat that managers and obviously the president are excluded from profiling criteria. Federal agencies are establishing “Insider Threat” offices to implement and oversee the Executive Order. Employees are mandated to report their co-workers’ lifestyles, attitudes and behaviors, including working after official duty hours or travel. Managers of the Insider Threat offices will have access to employee personnel and financial records, and disciplinary reports. Critics have charged that millions of dollars have already been wasted on attempts to develop behavior indicators to implement the program.

“Leaks to the media, such as those to Wikileaks, are equated with espionage.”

A prime example is the Transportation Security Administration (TSA,) which has spent over \$800 million dollars and employs 2,800 people as “behavior detection officers” to identify potential terrorist in US airports. A Department of Homeland Security (DHS) Inspector General’s Report in May 2013 stated that this strategy was a failure. “TSA cannot ensure that passengers at United States airports are screened objectively...”

In fact, the psychological measures currently used have not proven to be useful or effective. The goal of the Insider Threat program is to predict which present and future employees might have the courage and conviction to warn fellow citizens of dangers in the food supply, environment, or public health. The program is designed to institutionalize workplace intimidation, create incentives and structures to induce suspicion and division among co-workers and finally to terminate employees who voice dissenting opinions or report corruption.

The ITP requires nearly **5 million** federal employees and contractors with clearances to undergo training to identify “suspicious behavior.” The U.S. Army has already expanded this program to include their

entire workforce. The Insider Threat program is **designed to instill fear and intimidation** in the government and reward compliant employees for snitching on each other. No doubt, if this program is similar to other anti-whistleblower initiatives, employees will receive promotions, incentives and rewards for “turning in their ” co-workers – **making 1984 a reality** instead of fiction. The Fear Factor and potential for abuse is incalculable and will **sabotage** any attempt by employees or **labor unions** to create **solidarity** among colleagues and eviscerate any semblance of a healthy and productive workplace.

“The Fear Factor and potential for abuse is incalculable.”

In fact, the ITP has been compared to the East German secret police agency called Ministerium fur Staatsicherheit (Ministry for State Security) or **Stasi**. The Stasi was one of the most hated and feared institutions of the East German communist government, responsible for **domestic political surveillance** and institutionalized fear throughout the country. It fostered suspicion among colleagues, friends and tore families apart. The ITP is built on the framework and legacy on the Stasi. Eric Feldman, a former inspector general of the National Reconnaissance Office, a secret intelligence organization, was quoted by McClatchy as remarking: “ The answer to (security leaks) is not to have a Stasi-like response. You’ve removed that firewall between employees seeking help and the threat that any employee who seeks help could be immediately retaliated against by this insider threat office.”

A U.S. Defense Department memo dated June 1, 2012 outlines its “Stasi” strategy: “Hammer this fact home...leaking is tantamount to aiding the enemies of the United States.” Compare that strategic directive to President Obama’s stated commitment in his so-called support of whistleblowers. In January 2009, President Obama said: “I will also hold myself as president to a new standard of openness...Let me say it as simply as I can: Transparency and the rule of law will be the touchstone of this presidency.” Instead, over his tenure as president, we have hidden agendas, criminal prosecution of whistleblowers, and a program, the Insider Threat Program that eliminates the rights of American citizens to speak out against corruption and tyranny within their government and country.

This program provides us all with the opportunity to shine light on the hypocrisy and lies that have become the dominant narrative of this administration. This program needs to be rescinded if Americans are to retain any modicum of their rights under the Constitution. The Executive Order **contradicts the spirit and letter of the 2002 No FEAR Act**, a law that encourages federal employees to blow the whistle on corruption, racism and retaliation in the government. As George Orwell warned us:

“We know that no one ever seizes power with the intention of relinquishing it. Power is not a means; it is an end.” “Big Brother is Watching You.”

It chills whistleblowing - Every government agency is impacted

Higham 14 - Reporter assigned to The Post’s investigative unit [Scott Higham, “Intelligence security initiatives have chilling effect on federal whistleblowers, critics say,” Washington Post, July 23, 2014, pg. <http://tinyurl.com/o64ou24>

The **Insider Threat Program** and a continuous monitoring initiative under consideration in the intelligence community were begun by the Obama administration after the leaks of classified information by former NSA contractor Edward Snowden and Army Pvt. Chelsea Manning, and the Navy Yard shootings by Aaron Alexis, who used his security clearance to gain access to the base.

The programs are designed to prevent leaks of classified information by monitoring government computers and employees' behavior.

Grassley said the episode with the FBI illustrates how federal agencies are setting up internal security programs without giving careful consideration to whether they could **dissuade whistleblowers** from coming forward.

"The Insider Threat Program has the potential for **taking the legs out** from underneath all of the whistleblower protections we have," Grassley said in a recent interview.

Greg Klein, the head of the FBI's Insider Threat Program, and McDonough, the congressional affairs agent, did not return calls seeking comment. An FBI spokesman said the bureau does not plan to register whistleblowers. He said there was a misunderstanding about the nature of the briefing with staff members for Grassley, Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) and a law enforcement official who is assigned to the Senate panel. The spokesman noted that the FBI has a whistleblower training program for employees and a whistleblower protection office.

"We recognize the importance of protecting the rights of whistleblowers," FBI spokesman Paul Bresson said.

Grassley is part of a growing chorus of lawmakers on Capitol Hill and attorneys for whistleblowers who warn that the Insider Threat Program and the potential intelligence community initiative threaten to undermine federal workers' ability to report wrongdoing without retaliation.

Together, the programs cover **millions** of federal workers and contractors at every government agency.

In February, Director of National Intelligence James R. Clapper Jr. testified before the Senate Armed Services Committee that a system was being considered to continuously monitor the behavior of employees with security clearances "on the job as well as off the job."

A senior intelligence official said a continuous monitoring program, mandated under the Intelligence Authorization Act and signed into law by President Obama on July 7, is being set up and initially will include federal employees who hold top-secret security clearances. The official said there are no plans to monitor employees after hours while they are using non-government computer systems.

"I think it's time to put up the caution light here," said Sen. Ron Wyden (D-Ore.), a member of the Senate Intelligence Committee.

While Wyden included a provision in the most recent Intelligence Authorization Act that would prohibit retaliation against whistleblowers, he said he remains concerned about the impact of the threat programs.

"This really has the potential for abuse, and I think it could have a **chilling effect** on the public's right to know and effective oversight of our government," Wyden said.

Dan Meyer, the head of the Intelligence Community Whistleblowing & Source Protection program, created last year as part of the Office of Intelligence Community Inspector General, said he is working to ensure that employees who want to report wrongdoing can do so anonymously and without reprisal.

“The critical thing is to maintain confidentiality,” Meyer said. He said he is preparing training materials for intelligence officers and spreading the word that employees can come to him anonymously through third parties.

If an employee has verifiable information about wrongdoing, a presidential directive takes effect, providing employees with protection against retaliation.

“We are in the process of making a systematic, cultural change and getting everyone on board,” Meyer said.

After Manning’s disclosures to WikiLeaks four years ago, Obama signed Executive Order 13587, directing government agencies to assess how they handle classified information. On Nov. 28, 2010, the Office of the National Counterintelligence Executive issued a memo to senior government agency officials, advising them to identify insider threats.

The memo suggested using psychiatrists and sociologists to assess changes in employees’ behavior.

“What metrics do you use to measure ‘trustworthiness’ without alienating employees?” the counterintelligence office asked the agency chiefs. “Do you use a psychiatrist or sociologist to measure: relative happiness as a means to gauge trustworthiness? Despondence and grumpiness as a means to gauge waning trustworthiness?”

“It will only increase hostility between the government and really serious federal employees who are trying to improve the system,” said Lynne Bernabei, a partner at Bernabei & Wachtel in Washington who has been representing whistleblowers for nearly 30 years. “Turning the security apparatus against its own people is not going to work.”

Whistleblower lawyers said they understand the need to protect classified information but think some of the new programs go too far.

“There are legitimate reasons for employers to be on the lookout for people who might be leaking classified information, but this will obviously have a chilling effect on employees who might want to blow the whistle,” said Jason Zuckerman, who served as the senior legal adviser to the U.S. Office of Special Counsel, the federal agency charged with protecting whistleblowers, and now represents whistleblowers nationwide.

Michael German, a former undercover FBI agent and whistleblower, called the Insider Threat Program a “dangerous” initiative.

Add-on: 1st Amendment

ITP violates 1st Amendment

Papandrea 14 —Mary-Rose Papandrea is an Professor at Boston College Law School., March 2014 ("LEAKER TRAITOR WHISTLEBLOWER SPY: NATIONAL SECURITY LEAKS AND THE FIRST AMENDMENT," 2014, Available Online from Boston University Law Review, Accessed 7-10-2015)

Times have changed. The Obama Administration has undertaken more leak prosecutions than all prior Administrations combined. n7 The wisdom of some of these leak prosecutions, such as the prosecutions of Bradley Manning and [*452] Thomas Drake, is questionable at best, and demonstrates a disturbing level of prosecutorial overzealousness. n8 The dramatic crackdown on leakers has created a chilling effect on potential sources of national information for the press and, in turn, the public. In addition, the increase in leak prosecutions threatens the work of the press directly. If the government continues to prosecute leaks, it may more frequently issue subpoenas to reporters, as it has done in the Jeffrey Sterling prosecution, n9 or seek information about reporters' communications from third parties, as it did when it obtained the personal and professional phone records for Associated Press reporters without prior notice to them. n10 Most alarmingly, the revelation that an FBI investigator had described in an affidavit a Fox News reporter as "aiding and abetting" the unauthorized disclosure of national security information had led to fears that the government may prosecute members of the press. n11 Commentators have slowly begun to recognize that if leaks play an important role in our society, we should protect not only the media outlets that publish the leaked information, but also the leakers themselves. n12

Although a few scholars have recognized that penalties against leakers raise legitimate First Amendment issues, n13 most of the scholarship in this area dates [*453] back to the time of Samuel Morison's prosecution for delivering classified satellite photos to Jane's Weekly in 1988. n14 Even more importantly, none of the prior scholarship regarding the rights of leakers has grappled with the complications posed by massive changes in communications technology in the last two decades, including the decline of traditional media as the exclusive arbiter of the flow of national security information between the government and the public. Changes in communications technology and the media have made it exponentially more difficult to make distinctions among the different types of leakers.

Add-on: Workplace cooperation

A precedent for capricious spying and snitching has been set. Colleagues will turn against each other.

Coleman-Adebayo 14 – Former Senior Policy Analyst @ EPA. Won an historic lawsuit against the EPA on the basis of race, sex, color discrimination, and a hostile work environment. [Dr. Marsha Coleman-Adebayo (Ushered the Notification of Federal Employees Anti-discrimination and Retaliation Act [No FEAR] through Congress.), "Obama's Insider Threat Program Turns "Colleagues Against Each Other", Interviewed By: Jessica Desvarieux, The Real News, October 3, 2014 pg. <http://tinyurl.com/qz9dtcj>

DESVARIEUX: So let's start with talking about the current state of affairs for whistleblowers in the United States. In the last segment I mentioned President Obama has used the Espionage Act against whistleblowers more than every other president combined. And now there's an "insider threat" program that encourages federal employees to report suspicious actions by their coworkers. Have us understand why are these practices so dangerous, so dangerous to bringing the truth forward to the public.

COLEMAN-ADEBAYO: Well, I think we first have to identify or define what a suspicious act is, because according to the Insider Threat Program a suspicious act is any kind of activity that places stressors on various employees. And so, for example, a stressor can be financial difficulties at home. A stressor can be difficulties with your children. A stressor can be a health-related issue. Those are the stressors that this act is addressing as a problem for the administration. That's very important for you to understand.

So, for example, if an employee goes to lunch with a colleague and she's bemoaning the fact that her 15-year-old son is giving her a lot of problems, that's a stressor, that's a problem, and the employee who is listening to this narrative must go back to the Insider Threat office at their agency and report that their colleague is having problems with her 15-year-old son. Or if you find out that one of your colleagues is having trouble paying their mortgage, that is a stressor that must be reported.

DESVARIEUX: And if you don't report it?

COLEMAN-ADEBAYO: And if you don't report it, there are all kinds of penalties, including being fired from your job. So essentially what this act has done is to take a chapter out of the Stasi, out of East Germany, in which you basically turn colleagues against each other. Basically they're rewarded for snitching on each other. So you break up any possibility of community inside the organization, any possibility of collegiate relationships inside of the organization, and you basically have everyone looking over their shoulders trying to determine whether or not someone is going to snitch on them, whether that narrative is truthful or not.

So you can imagine how this can be--this kind of executive order can be abused. If you want to get rid of a colleague, all you have to do is, you know, go to the Insider Threat office and say, I heard that Mary said that she's having trouble with her husband.

DESVARIEUX: Yeah, that certainly makes the work environment suffer. But also the public will be suffering if we aren't getting people coming forward.

COLEMAN-ADEBAYO: Oh, exactly. But that is the point, isn't it? I mean, the point is that, you know, this Executive Order will make it impossible for people to create the kind of **alliances** that we did to pass the No-FEAR Act, which was the No FEAR Coalition, because everyone will be, you know, looking over their shoulder, trying to figure out, you know, who is trying to get me in the workplace. Right? And so it's one that--it's an absolutely horrendous policy.

But I think it's interesting that almost word-for-word it comes out of the Stasi documents. So it's interesting that now we're actually lifting Nazi Germany literature and actually implementing it in the U.S. workplace. I mean, that's an absolutely terrifying precedent to set, and that's what's happening now. So **throughout the entire federal government they have set up these Insider Threat offices** that are waiting for people basically to snitch on each other.

DESVARIEUX: Yes. And we can't talk about whistleblowers and talk about people snitching on each other and--.

COLEMAN-ADEBAYO: And by the way, the president has also authorized psychologists to be basically unleashed throughout the federal government. So in many instances now when you apply for a federal job, outside of just the application process you also have to undergo a psychological test to determine whether or not you're someone who might blow the whistle in a future.

DESVARIEUX: So essentially they can now measure behavior and determine whether or not you have the potential to blow the whistle.

COLEMAN-ADEBAYO: They're attempting to predict behavior to determine whether or not you have the characteristics that might lead you to blow the whistle.

Mere existence of the program guarantees widespread witch hunts

Krieger 13 [Michael Krieger, "The 3 Key Takeaways from the Ridiculous "Insider Threat Program" Liberty Blitzkreig, | Posted Thursday Jul 11, 2013 at 11:29 am, pg. <http://tinyurl.com/okogu39>

McClatchy's recent report covering the government's expansive employee snitch policy, aka the Insider Threat Program, has gotten a great deal of attention in the alternative media, and rightfully so. I finally took the time to read it and quickly realized that I need to offer my own take since it encapsulates so much of the severe mental illness, delusion and sociopathy rampant within the so-called American "elite" class.

The first line of the report pretty much summarizes what the Insider Threat Program intends to do:

"In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues."

There are three main takeaways from this revelation I think are crucial to be aware of. I will cover each of them briefly.

1) This creates a horrible and counterproductive work environment where everyone distrusts everyone else.

So imagine working for the government and being fully aware that because you are going through a divorce or having some financial difficulties that you are now deemed “suspicious” to your superiors. What about voicing a political view in a conversation at the water cooler? **The mere fact that this program exists** turns the work environment into a virtual prison where all normal human behavior is suspect and you are encouraged to become a government robot. But it’s even worse than that. **This program guarantees that the nastiest and most immoral types will rise to the top. Someone with sociopathic tendencies** will quickly realize that the “upside” is to always snitch on everyone. Is there someone right above you who’s position you covet? **Simply make consistent accusations against them and play the political game until you ruin that person.** This works particularly well if your target is a decent person.

Internal cohesion is k2 this mission

Add-on: Free Press

Fear of espionage prosecution deters disclosure of all information to the press. Illegal activities will go unreported

Landay 13 – National security and intelligence reporter @ McClatchy [Jonathan S. Landay, "Insider Threat: Government Employees Urged to Tattle On Coworkers in Effort to Stop Classified Leaks," Interviewed By: Amy Goodman, Democracy Now, June 25, 2013, pg. <http://tinyurl.com/pm8maho>

AMY GOODMAN: For nearly two years, the White House has waged a program called Insider Threat that forces government employees to remain on the **constant lookout** for their colleagues' behavior and to report their suspicions. According to McClatchy news, it targets government officials who leak any information, not just classified material.

And beyond places like the National Security Agency or the Pentagon, Insider Threat also covers employees in agencies or departments like the Peace Corps, the Social Security Administration, the Departments of Education and Agriculture. As part of the program, staffers at the Department of Agriculture and National Oceanic and Atmospheric Administration have taken an online tutorial called "Treason 101," which instructs them to look out for employees fitting the psychological profile of spies. The Department of Education has told its employees that, quote, "certain life experiences ... might turn a trusted user into an insider threat." These experiences include, quote, "stress, divorce, financial problems" or "frustrations with co-workers or the organization."

In addition to demanding that government workers **monitor** their colleagues' behavior, the Insider Threat Program even encourages penalties against those who fail to report what they see. And it regards leaks to the **media** as a form of **espionage**. A Pentagon strategy document instructs agency superiors, quote, "Hammer this fact home ... leaking is **tantamount to aiding the enemies** of the United States." All this leads McClatchy to warn, quote, "The [Insider Threat] program could make it easier for the government to stifle the flow of unclassified and potentially vital information to the public, while creating toxic work environments poisoned by unfounded suspicions and spurious investigations."

For more, we're joined from Washington, D.C., by Jonathan Landay, the senior national security and intelligence reporter for McClatchy Newspapers. He broke the story on the scope of Insider Threat along with Marisa Taylor. Their piece is headlined "Obama's Crackdown Views Leaks as Aiding Enemies of U.S."

Jonathan, just lay it out for us, what this is creating.

JONATHAN LANDAY: Well, this is a program that was launched in the wake of the WikiLeaks disclosures by Private Manning. It follows also the shooting at Fort Hood by Major Hasan—allegedly by Major Hasan. And it's an attempt—another attempt by the government—and this follows a long history of attempts by the government—to crack down on leaks of classified information. The problem here is, though, that the definition, or at least the instructions from the White House to the agencies in implementing the program, is exceedingly broad and has left many of the details to the agencies and departments themselves to implement. And some of these departments, we've found, are not only going after leaks of classified information, but leaks, unauthorized leaks, of any information at all. It involves what we—what appears to be profiling by workers of their co-workers and admonitions to supervisors that they had better make sure that any suspicious behavior is reported, because that could be a sign of a security risk among their staff.

And beyond that, it exhorts employees of these federal agencies, at least within the Pentagon and other agencies, to treat leaks like espionage. In other words, if anybody leaks to the press, that's like leaking to the enemies of the United States. We asked the Pentagon, "How do you accommodate something like the leak of the Pentagon Papers with this kind of policy, i.e. the leak of information that showed that successive American governments had misled and lied to their people about the conduct of the war in Indochina?" And we received no answer, no direct answer to our question, from the Pentagon.

AARON MATÉ: Jonathan, you spoke to a senior Pentagon official who is critical of Insider Threat, and he says, quote, "It's about people's profiles, their approach to work, how they interact with management. Are they cheery? Are they looking at Salon.com or The Onion during their lunch break? This is about 'The Stepford Wives.'" That's a reference to the movie of the '70s. What are you hearing about what kind of a work environment this is creating in government?

JONATHAN LANDAY: Well, it's already—the work environment is already one where people who used to talk to me—and, I suspect, other reporters—are no longer willing to talk about it—talk to us, simply for fear that they're going to encounter retaliation for talking to a journalist, and not disclosing simply—not disclosing classified information, but simply trying to give us context—at least in my experience, trying to give me context about stories that we report normally, trying to get an idea of where the U.S. government—how the U.S. government views a particular issue. They're not willing—at least some of the people that I know are no longer willing to even do that. So, the environment, as a result of this, seems to be pretty toxic and seems to be—there seems to be the possibility or the distinct possibility that it could get even more toxic. I think—

AMY GOODMAN: Where does The Onion fit into this, Jonathan?

JONATHAN LANDAY: I think that this was just a comment by this particular individual, because The Onion is seen to be perhaps very critical of the government. It's something that perhaps some government employees like to look at or like to read during their lunch breaks. And he—I think he was being—he was semi-serious, where he was saying, if an employee is found to be reading The Onion at lunchtime, that that could be taken as perhaps a sign of anti-government bias on the part of that employee, and that they need to have their eye—you know, people need to keep their eyes on this person.

AMY GOODMAN: Can you tell us who Ilana Greenstein is?

JONATHAN LANDAY: Ilana Greenstein is a former CIA covert officer who believes that she was falsely accused of being a security risk. And even after going through the proper channels for reporting what she believed were violations of security and other matters while she was serving in Iraq, she even wrote to the then-director of the CIA, Michael Hayden. She went—she and her attorney wrote to the CIA inspector general. And instead, she felt that she was being retaliated against, and she resigned from the agency.

AARON MATÉ: Jonathan, you write that this program could create a form of groupthink, a form of lack of creative thinking that helped lead to the invasion of Iraq?

JONATHAN LANDAY: This was—this was Ilana's observation. This was a story that I covered quite intensely for quite a few years, disclosing a lot of the bogus intelligence that was used to justify the invasion, and her point being, we know that the Senate Intelligence Committee found—I believe it was

the Intelligence Committee—found that there was this groupthink within the intelligence community behind the false assessment that Saddam Hussein had reactivated his weapons of mass destruction program. This is the kind of atmosphere that Ilana believes could be created because of the Insider Threat Program, where you have people who are afraid to think outside the box, afraid to challenge whatever the majority opinion is, because it could attract attention to them as being a potential insider threat. This is about profiling, I think, in the end, which we know is pretty problematic.

I think one of the biggest problems here is that the government seems to always react in the wrong way and in an extreme—in an extreme way to this kind of thing, rather than trying to tackle the core of the problem, which is the enormous number of people, almost five million, who have clearances and access to classified material, and a lot of those people are contractors, as well as the problem—and this goes way back to the overclassification by the government of materials. And I think that one of the problems here is that the more there is a perception that the government is doing the wrong thing by cracking down on civil liberties and privacy and doing things like collecting the telephone data of millions of Americans, the greater the chances are going to be that you're going to have a leak, that there will always be someone who's going to feel that the government has crossed the lines when it comes to the Constitution and the law, and they're going to go leak, because they do not trust the prescribed channels within the government for being a whistleblower. We've seen what's happened to whistleblowers—Tom Drake, for instance, you've had him on this program—where they have used the—and Ilana Greenstein, who we talked to, who used the proper channels to try and report what they saw as being waste or fraud or abuse, and being retaliated against rather than having their concerns addressed.

ITP is an assault on the public's right to know. It will inhibit the exposure of unclassified info and illegal programs

Eisenberg 13 - Writer for the Village Voice, Tikkun, the Los Angeles Times, the Nation, & Guardian UK [Nora Eisenberg, "Bombshell: Government's 'Insider Threat Program' Obligates Federal Workers to Spy on Their Colleagues," AlterNet, June 25, 2013, pg. <http://tinyurl.com/nla4x22>

On Thursday, the same reporters involved in the Iraq truth-telling a decade ago exposed the existence of the Obama administration's program that obligates government workers to spy on their colleagues or face punishment, dismissal, and possibly criminal charges. The Insider Threat Program targets not only national security departments and agencies but most federal bureaucracies from the Peace Corps to the Social Security Administration and the Education and Agriculture Departments.

And it's clear that not only the disclosure of classified information constitutes an "internal threat" and act of espionage, but leaks to the media as well. "Leaking is tantamount to aiding the enemies of the United States," according to a June 1 Department of Defense planning document for the program, leaked to McClatchy.

The White House launched [3] the Insider Threat Program's in October 2011 as it still reeled from the Wikileaks disclosures of hundreds of thousands of documents thought to have been downloaded from classified networks by Private Bradley Manning the year before. The program is evolving, agency to agency, in response to the President's broad guidelines. Documents provided by the McClatchy investigation show the varied approaches to the executive mandate. At the DoD, McClatchy reports, the policy is "zero tolerance": "Employees must turn themselves and others in for failing to report

breaches.” But it’s the suspicion of potential breaches that must be reported. requiring co-workers to monitor colleagues’ work and lives. Profiling is encouraged: A co-worker facing a divorce or financial problems is to be watched carefully one training memo states, as these are “indicators” of an inclination toward espionage. An extensive Army training document offers hundreds of suspicious behaviors that federal workers must report including working hard and independently: “repeatedly performing non required work outside of normal duty hours, especially if unaccompanied.” At the Department of Agriculture, “Treason 101” offers an online tutorial [4] in the basics of spying and the Inside Espionage Threat.

The two-year-old program is now expected to be **revved up** in the wake of Edward Snowden’s explosive revelation of the National Security Agency’s telephone and internet data collection programs. But according to internal security experts and former government officials that the McClatchy team interviewed, the Insider Threat Program will have “grave consequences for the public’s right to know.” It could make it easier for the government to **inhibit exposure of unclassified information and illegal programs and thwart legitimate whistleblowing.** The program will be used to quell different perspectives, which in the end can hurt national security, they fear. Fearfulness and group think contributed to the prevailing and erroneous CIA judgment that Iraq indeed had weapons of mass destruction, warranting invasion.

Off Case

AT: PIC

No one can hide. Security officials have access to everyone's info.

George 13 – Columnist [Tim George, "Insider Threat Program Encourages Federal Workers To Rat On Each Other," Off The Grid News, July 26, 2013, pg. <http://tinyurl.com/o3tb3ea>

Many government insiders are leery of the program, saying that profiling remains **unproven**, can make employees more **resistant to reporting violations**, and can lead to spurious allegations. Some government programs that have used behavioral indicators have been condemned as failures.

Most criticized is the Transportation Security Administration's Screening of Passengers, termed the SPOT. The program, which has cost \$878 million and employs 2,800 people, uses "behavior detection officers" to identify potential terrorists by scrutinizing airline passengers for signs of "stress, fear or deception."

The inspector general of the Department of Homeland Security **observed** in a May 2013 report that "TSA cannot ensure that passengers at United States airports are screened objectively, show that the program is cost-effective, or reasonably justify the program's expansion."

In spite of such questions, the Pentagon is moving ahead in training Defense Department and contractor managers and security officials to set up insider threat offices. One company emphasized how its course is designed for novices; "The Establishing an Insider Threat Program for Your Organization Course will take no more than 90 minutes to complete."

"What we really point out is if you're in doubt, report, because that's what the investigative personnel are there to do, is to get to the bottom of 'is this just noise or is this something that is really going on?'" said Larry Gillis, a senior Army counterintelligence and security official.

Some US officials and experts worry that Obama's Insider Threat Program may lead to **false or reactive accusations** across the **entire government** because security officials are granted access to information outside their usual purview. It may be the rule of the government by executive fiat, but the Insider Threat Program has a long way to go before it accomplishes what the president hopes it to.

AT: Leaks DA – N/U: Congress

Congressional leaks non-unique their DA

Ackerman 12 – Danger Room senior reporter [Spencer Ackerman, “5 Ways to Stop National Security Leaks (But Do You Really Want To?)” *Wired*, 07.09.12. 07.09.12, pg. <http://tinyurl.com/qjttdnm>

And it’s not just legislators: The Justice Department has opened two investigations to hunt the leakers, consistent with Obama’s record of prosecuting more officials for leaking than any previous administration. But the politicians don’t want to wait for the prosecutors to finish their inquiries. The leaders of the House and Senate intelligence committees propose to make administration officials inform Congress before holding background briefings for reporters; and to consolidate the press shops within the spy agencies. Those moves may be contained in the annual intelligence funding bill that Congress will soon consider

Just one problem: they won’t do a thing to stop leaks. They’ll make it harder for regular reporters to do their jobs. And, not coincidentally, they’ll ignore a big source of the leaks — Congress itself.

Take it from a reporter who occasionally finds himself on the receiving end of a leak. In Washington, leaks both profound and innocuous spout forth from offices both famous (the White House) and obscure (the principal deputy assistant secretary of whatever), regardless of how the officeholder proclaims to be angered and horrified by the leaking. There are, however, ways to sharply limit the leaks. But politicians, appointees, journalists and citizens might not like their implications.

There are many questions to ask about how much damage leaks pose to national security and how that balances with the need for an informed citizenry in a democratic society. For the sake of consistency, I’m going to ask none of them. One person’s leak is another’s enterprising journalism; one person’s damage to national security is another’s policy preference. This is merely an exploration of what is probably necessary to force Washington professionals to shut up. Decide for yourself if it’s worth it.

Ban Alcohol

Washington is lubricated by happy hours. Young, underpaid journalists go to snag a dinner’s worth of finger food and drinks for cheap; experienced ones go to them out of routine. Politicians, staffers and appointees go to better understand their frenemies in the press. They occur in cigar bars and dive bars; in the city and in the suburbs; in events convened by swank institutions and those spread via e-mail chains and social media. And to be clear, drinking is merely the pretext.

The actual point is to obtain and disseminate information. As the D.C. cliché goes, information is currency. And currency depends on asymmetry: Someone has more of it than another, so a barter proceeds. Usually the person who can hold his or her liquor gets the better of the transaction — regardless of who actually knows the most.

Now: You’re rarely going to get a very knowledgeable official keyed into a vital military project or clandestine enterprise to divulge the whole thing because he made the mistake of reaching for the third Knob Creek. Most leaks don’t work like that. A better metaphor for a national-security disclosure would be a mosaic: Someone might give you one tile, but you have to find the others for yourself. During happy hours, an enterprising reporter is likely to learn about a new tile, or get a clue about where to find one. If you want to keep the mosaic hidden, step one is to keep your staff away from the bottle. And D.C. has many bottles.

Change the Political Incentives

McKeon began his denouncement of leaks on June 21 during a breakfast chat with reporters by suggesting that President Obama knew about or authorized the recent spate of leaks. He backed down under questioning and admitted he didn't have any evidence for the proposition. But he raised a critical point: Leaks happen because, in most cases, they benefit someone politically. (I know you're shocked to read that.)

It's not crazy to think that someone leaked word of the cyber-sabotage "Olympic Games," including Stuxnet, aimed at attacking Iran's nuclear program, because s/he thought it would make Obama look tough ahead of the fall election. After all, the story makes Obama look like he's keeping Iran from getting an a-bomb without embroiling America in a full-scale war. A similar political benefit was at stake when New York Times reporters heard about a (bogus) shipment of aluminum tubes for nuclear centrifuges en route for Saddam Hussein's Iraq.

That's not to say that Presidents Obama or Bush wanted the information leaked. It's just to recognize that someone could easily have thought s/he was doing the boss a favor, whether or not the leak actually helped.

That's often the incentive structure at work here. Most attempts at plugging leaks take aim at the supply side of the problem — the people holding the secrets. But that fails to recognize there's a demand that might be more powerful — the political benefits that come from a secret finding its way into the information bloodstream, towards an approving public. Addressing that side of the problem is hard. There's no obvious way you can make it disadvantageous for a politician to have certain information leak out. (It depends on the politician and the information.) Most politicians, and especially their staffers, have a pretty good understanding of what's in their best interest.

Heightened media scrutiny of leakers might be one way to change the incentive structure. But reporters like me also benefit from publishing leaks — at least until Attorney General Eric Holder tries to prosecute us — and we're in competition with one another to obtain new information. Difficult problem to solve.

Blame Congress

Congress's leading proposals for stopping leaks involve forcing administration officials to inform Congress about background briefings and consolidating the press operations of intelligence agencies. Notice how they have something in common: They **leave Congress alone.**

It won't burn any sources of mine to inform you that the sources of national security leaks are very often members of and staffers for the Congressional committees that handle national security. Remember what I wrote above about leaks occurring when there's a political interest to be served? There are more politicians on Capitol Hill than in the White House or in federal agencies. Leaking is a bipartisan endeavor. Any Washington journalist who doesn't exploit this is professionally lax.

AT: Leaks Bad DA – No Lk

ITPs and biometric indicators are bogus

Walker 13 — Jesse Walker, staff writer for the Washington Post, graduate of the University of Michigan, where he received a degree in history, author of *The United States of Paranoia: A Conspiracy Theory*, 2013 (“The new paranoia: A government afraid of itself,” Washington Post, August 15, Available Online at http://www.washingtonpost.com/opinions/the-new-paranoia-a-government-afraid-of-itself/2013/08/15/1f3db594-038a-11e3-a07f-49ddc7417125_story.html, Accessed 7/8/15)

It doesn't help that the Insider Threat Program has been adopted in agencies that have little or nothing to do with national security, including the Social Security Administration, the National Oceanic and Atmospheric Administration, the Department of Education and the Peace Corps. A tutorial for Agriculture Department employees includes a long list of “examples of behaviors that may indicate an individual has vulnerabilities that are of security concern.” These include **sleeping at your desk** — that might be a sign of alcoholism — and “**expression of bizarre thoughts, perceptions, or expectations.**” The list was imported, word for word, from a Defense Department document.

Other conspiracy theories involve groups that seem different: Suspected plotters can be identified by where they live, their racial or ethnic identity, or their social status. The enemy within, by contrast, can live anywhere and look like anyone. The men and women allegedly atop the cabal might be based in another country, but their puppets are neighbors, co-workers, members of your family. Anyone could conceivably be — or become — part of the plot.

This isn't the first time an effort intended to protect national security has spiraled into something bigger, messier and more dangerous for individual liberty.

No evidence that monitoring is effective — program goes overboard

RT News 13 — Russia Today News, Russia state-funded television network directed to audiences outside the Russian Federation, 2013 (“Obama administration urges federal employees to spy on each other to avoid leaks,” RT News, July 10th, Available online at <http://rt.com/usa/obama-insider-threat-leaks-905/> , accessed 7/6/2015, J.L.)

President Barack Obama has asked that federal agencies launch an unprecedented campaign requiring government workers to monitor the behavior of their colleagues and report potential leakers under the threat of prosecution. McClatchy reporters Jonathan Landay and Marisa Taylor wrote Tuesday that the “Insider Threat” program mandated by Pres. Obama utilizes methods that, while meant to identify security threats from within, actually provoke co-workers to spy on one another. The program is unprecedented in scope and hopes to prevent future instances where government secrets are spilled. According to a new report, however, the Insider Threat initiative and the techniques utilized by the agencies involved are not proven to work. Insider Threat was authorized in October 2011 after Army Private first class Bradley Manning sent classified intelligence to the website WikiLeaks, an action that government prosecutors argued in court this week aided al-Qaeda by indirectly providing them with secret documents. Through the program, employees are asked to monitor the behavior of their peers, and could face hefty penalties if they fail to alert higher-ups of a potential breach. Specifically, the Insider Threat program asks that officials within the ranks of federal agencies spanning all sectors of the government adopt behavioral profiling techniques that ideally would alert higher-ups of a subordinate interested in leaking intelligence. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education have all been asked to watch out for “high-risk persons or behaviors” among co-workers under the program, and if “indicators of insider threat behavior” are brought to attention, officials within those agencies are expected to investigate in order to curb the likelihood of another Pfc. Manning. Research conducted by McClatchy reporters combined with expert interviews suggest those efforts are futile, though, and aren’t proven to work. Gene Barlow, a spokesman for the Office of the National Counterintelligence Executive, told McClatchy that “the awareness effort of the program is to teach people not only what types of activity to report, but how to report it and why it is so important to report it.” So far, though, that method hasn’t been proven to actually put potential leakers out of work. According to McClatchy, the “indicators” that federal employees are told to monitor include stress, relationship issues, financial problems, odd work hours and random traveling. “It simply educates employees about basic activities or behavior that might suggest a person is up to improper activity,” Barlow told reporters. On the website for his agency’s Insider Threat program, the Office claims that employees may be lured to “betray their nation for ideological reasons, a lust for money or sex, or through blackmail,” and cites threats from within as “the top counterintelligence challenge to our community.” Barlow also stressed that the policy “does not mandate” employees to report behavior indicators, but McClatchy reporters noted that failing to act could land an eyewitness with harsh penalties, including criminal charges. According to a 2008 National Research Council study, however, analyzing these indicators do not necessarily signal that one agent may be up to no good. “There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all,” the study concluded. “We have not found any silver bullets,” added Deana Caputo, a behavioral scientist at MITRE Corp., which assists several US agencies with their insider threat efforts. “We don’t have actually any really good profiles or pictures of a bad guy, a good guy gone bad or even

the bad guy walking in to do bad things from the very beginning.” Investigative journalist Dave Lindorff spoke with RT regarding the “Insider Threat” program, saying that it is neither focused on safeguarding national security, nor a good way to run government. “It’s a completely inefficient way to run a government bureaucracy. And the worst thing about it is it’s got nothing to do with national security, because they’re talking about every department of the government. The Department of Labor, the Food and Drug Administration, the Health Department. All of these that have nothing to do with national security, he’s telling people to rat out their neighbors, their coworkers if they think that they’re doing something wrong,” says Lindorff, which will also dissuade good staff from pursuing government work. “Let’s be clear about this, it’s not about national security, it’s about preventing people from telling the truth about problems with government, about corruption, about failed policies and so on. What it really is... is the Obama administration has gone beyond even the Nixon administration in its fears of leaks, and its efforts to control the story. It’s trying to prevent the press from getting access to people inside the government ... so that all they get is public relations handouts,” adds Lindorff.

Ineffective — Snowden leaks and empirics prove

Taylor & Landay 13 — Marisa Taylor, Digital News Producer at Al Jazeera Media Network & Columbia University Graduate of journalism and Jonathan Landay, National Security Correspondent, 2013 (“Obama’s crackdown views leaks as aiding enemies of U.S.,” McClatchy DC, June 20th, Available online at <http://www.mcclatchydc.com/news/special-reports/insider-threats/article24750244.html> , accessed 7/6/2015, J.L.)

There are, however, signs of problems with the program. Even though it severely restricts the use of removable storage devices on classified networks, Snowden, the former NSA contractor who revealed the agency’s telephone data collection operations, used a thumb drive to acquire the documents he leaked to two newspapers. “Nothing that’s been done in the past two years stopped Snowden, and so that fact alone casts a shadow over this whole endeavor,” said Steven Aftergood, director of the non-profit Federation of American Scientists’ Project on Government Secrecy. “Whatever they’ve done is apparently inadequate.” U.S. history is replete with cases in which federal agencies missed signs that trusted officials and military officers were stealing secrets. The CIA, for example, failed for some time to uncover Aldrich Ames, a senior officer who was one of the most prolific Soviet spies in U.S. history, despite polygraphs, drunkenness, and sudden and unexplained wealth. Stopping a spy or a leaker has become even more difficult as the government continues to accumulate information in vast computer databases and has increased the number of people granted access to classified material to nearly 5 million.

No negative impact to leaks and leaks good

The Post 13 — Editorial Board of the Washington Post, 2013 (“The government’s biggest secret,” The Washington Post, June 1, Available Online at http://www.washingtonpost.com/opinions/the-governments-biggest-secret/2013/06/01/c73de70a-ca2d-11e2-9f1a-1a7cdee20287_story.html, Accessed 7/8/15)

IN RECENT DAYS, President Obama and Attorney General Eric H. Holder Jr. have acknowledged that prosecutors may have overreached in two leak investigations which obtained phone call and e-mail records of journalists. It’s good to see them stepping back from the brink. As the president put it in his address at the National Defense University, a free press is essential to democracy, and “journalists should not be at legal risk for doing their jobs.”

Mr. Obama ordered a review of existing Justice Department internal guidelines on leak investigations, and Mr. Holder began holding consultations with editors. The guidelines were last approved in 1980, and a review is overdue. We hope it can clarify the government’s obligation to notify the news media in advance, if possible, when it seeks such sensitive items as phone records and e-mails.

Unfortunately, we need more than just a few tweaks to policy guidelines. The United States government faces a much larger and more profound problem with secrecy that undermines much of the debate about what should properly be kept quiet and what should not. That problem is simply that **too much information is classified.** Some 4.8 million people, both government employees and contractors, have access to classified material, labeled confidential, secret or top secret. **The colossal system has turned into a Hoover Dam blocking important information about government decisions.** In a report to Mr. Obama last November calling for reform, the Public Interest Declassification Board said current classification practices are “outmoded, unsustainable and keep too much information from the public.” One intelligence agency alone is accumulating a petabyte of classified records every 18 months — equivalent to 20 million four-drawer filing cabinets filled with text, the board found.

We endorse the need to keep some things under wraps, like intelligence sources and methods or ongoing operations, and we believe that laws and rules are the proper way to keep secrets. But very often, the only way important information reaches the American people is through leaks — by government employees, including very high-ranking officials, who discuss sensitive information with reporters because they believe **it is critical to understanding decisions,** or they want to influence those decisions. It’s essential not to criminalize this process; **more leak investigations will only serve to dry up the vital flow of information** PL;,.MUKN to reporters and the public. It seems out of whack that prosecutors are on the prowl for leakers yet the massive system of over classification lumbers on, unhindered. No one in Washington is ever punished for needlessly stamping “secret” on a document.

Consider this: The total number of nuclear warheads in the U.S. stockpile was declared a secret for many years. Then in 2010, the totals were disclosed through 2009. **Did the sky fall? No.** For a long time, the top-line budget number for the national and military intelligence programs were kept secret. Then they were disclosed. Did our spy agencies come apart at the seams? No. Is the United States more vulnerable after the president declassified details about the CIA drone killing in 2011 of Anwar al-Awlaki, a U.S. citizen working for Yemen-based al-Qaeda in the Arabian Peninsula? Hardly. Mr. Obama has pledged to be a paragon of openness without risking national security. His record so far is quite mixed. He ought to focus on the big picture: How to restore respect to a dysfunctional system.

AT: Nat Sec DA

ITP can't protect national security. Best and brightest will be discouraged from pursuing government work

RT 13 ["Obama administration urges federal employees to spy on each other to avoid leaks," Published time: July 10, 2013 18:22, pg. <http://tinyurl.com/kj2bqv3>

Specifically, the Insider Threat Program asks that officials within the ranks of federal agencies spanning all sectors of the government adopt behavioral profiling techniques that ideally would alert higher-ups of a subordinate interested in leaking intelligence. The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education have all been asked to watch out for "high-risk persons or behaviors" among co-workers under the program, and if "indicators of insider threat behavior" are brought to attention, officials within those agencies are expected to investigate in order to curb the likelihood of another Pfc. Manning.

Research conducted by McClatchy reporters combined with expert interviews suggest those efforts are futile, though, and aren't proven to work.

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According to McClatchy, the "indicators" that federal employees are told to monitor include stress, relationship issues, financial problems, odd work hours and random traveling.

"It simply educates employees about basic activities or behavior that might suggest a person is up to improper activity," Barlow told reporters. On the website for his agency's Insider Threat program, the Office claims that employees may be lured to "betray their nation for ideological reasons, a lust for money or sex, or through blackmail," and cites threats from within as "the top counterintelligence challenge to our community."

Barlow also stressed that the policy "does not mandate" employees to report behavior indicators, but McClatchy reporters noted that failing to act could land an eyewitness with harsh penalties, including criminal charges.

According to a 2008 National Research Council study, however, analyzing these indicators do not necessarily signal that one agent may be up to no good.

"There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all," the study concluded.

"We have not found any silver bullets," added Deana Caputo, a behavioral scientist at MITRE Corp., which assists several US agencies with their insider threat efforts. "We don't have actually any really good profiles or pictures of a bad guy, a good guy gone bad or even the bad guy walking in to do bad things from the very beginning."

Investigative journalist Dave Lindorff spoke with RT regarding the "Insider Threat" program, saying that it is neither focused on safeguarding national security, nor a good way to run government.

“It’s a completely inefficient way to run a government bureaucracy. And the worst thing about it is it’s got **nothing to do with national security**, because they’re talking about every department of the government. The Department of Labor, the Food and Drug Administration, the Health Department. All of these that have nothing to do with national security, he’s telling people to rat out their neighbors, their coworkers if they think that they’re doing something wrong,” says Lindorff, which will also **dissuade good staff from pursuing government work.**

“Let’s be clear about this, it’s not about national security, it’s about preventing people from telling the truth about problems with government, about corruption, about failed policies and so on. What it really is... is the Obama administration has gone beyond even the Nixon administration in its fears of leaks, and its efforts to control the story. It’s trying to prevent the press from getting access to people inside the government ... so that all they get is public relations handouts,” adds Lindorff.

AT: Russia Containment DA

No Russia Threat- it's a paper tiger but military confrontation is a bad strategy

Valeriano and Maness 4/30 (Brandon and Ryan, 2015, Senior lecturer at the University of Glasgow and Visiting Fellow of Security and Resilience Studies in the Department of Political Science at Northeastern University, "Paper Tiger Putin," <https://www.foreignaffairs.com/articles/russia-fsu/2015-04-30/paper-tiger-putin>)//RTF

Russian President Vladimir Putin is not as strong as he might seem, or, more important, as he might hope.

Although Russia supports fighters in Ukraine, invaded Georgia in 2008, sold missile systems to Iran, and recently threatened Denmark and Lithuania with nuclear war, it is, in reality, a muted and restrained power operating in a system that no longer supports grand-scale intervention. If anything, Russia's recent military and diplomatic adventures have revealed its desperate weakness. Meanwhile, its shift toward a self-defeating utilization of new forms of power (covert warfare, cyber conflict, and coercive energy policy)

demonstrates the limitations it faces in coercing its neighbors. FROM BAD TO WORSE Russia's involvement in the Ukraine conflict has not gone the way Putin intended.

Betting that the West would decline to help new Ukrainian President Petro Poroshenko, Moscow attempted to strangle Ukraine's economy, nullifying the bailout package and the gas deal that the two countries signed under former Ukrainian President Viktor Yanukovich's rule in 2014. But Putin's calculation proved incorrect;

the West did offer financial support and training forces, granting Ukraine \$17.5 billion in economic packages and loans to keep its economy afloat. Meanwhile, as the West was coming to Kiev's aid, the price of oil collapsed, leaving Russia with barely enough funds

to even contemplate purchasing a quarter of the new T-50 stealth jets it had planned on acquiring. That, combined with Russian soldiers and mercenaries' limited success in

Ukraine so far, and the fact that the government had to move troops in from Siberia and force conscripts to sign up for the long term just to get enough boots on the ground at the border, a full-scale

invasion of Ukraine seems unlikely, even as the ruble recovers. For Russia, the story in Ukraine gets even worse. Russia's involvement in Ukraine has roots in the nation's role as a Soviet-era energy pipeline for natural gas sales from Russia to Western Europe. Until 2014, when civil strife began, 80 percent of Russian natural gas headed for Europe traversed through Ukrainian territory. To this day, gas

supplies have been used as a political tool by Russia to keep Ukraine aligned with Moscow. But now, Russian pipelines in Ukraine

operate at about half capacity, owing in part to Western sanctions, the effects of war, and a network of new pipelines that circumvent Ukraine. Thirty percent of all natural gas imported to the EU comes from

Russia, where state-owned Gazprom has been charging countries different prices according to the their political stance.

Bulgaria, the Czech Republic, and are being charged well above the EU average price, due in part to their supplying gas back into Ukraine after the Russian shutoff. On the other hand, Hungary and Slovakia are paying well below the average EU price, as these governments have shown more support for Putin. Now the EU is accusing the company of anticompetitive practices

and formally bringing it up on legal charges. This could spell disaster for Gazprom's revenues and further damage the energy export-driven Russian economy. Things aren't going much better for Russia in other

parts of its foreign policy. In the wake of the impending Iranian nuclear deal, Russia resumed its S-300

surface-to-air missile sales to Tehran, a deal that was nixed in 2010 as sanctions on Iran mounted. Moscow officials declare that the sales abide by the framework of the tentative agreement between world powers and Iran. The United States has criticized the move as jeopardizing the final deal in June. The U.S.-Russian rivalry has continued even with the Soviet collapse, and this recent move by Russia can be

seen in that context. Discord between the United States and Russia has moved from a geopolitical ideological rivalry to a regionally based, issue-centered rivalry. The fates of democracy, human rights, and economic independence within of post-Soviet states have been at the center of this animosity. Arms sales to U.S. adversaries by Russia and missile defense placements by the U.S. in Europe have also deepened the post-

Cold War rivalry. The resumed sales demonstrate Russia's desire to provoke the United States, even if the missiles themselves are unlikely to be a major factor in U.S. foreign policy considerations. These missile sales are an empty gesture, as

the West is now very unlikely to attack Iran given that a nuclear deal seems imminent. Russia is

attempting to counter the EU's growing economic might by creating its own economic free trade zone, the Eurasian Union. As of now, the Eurasian Union only has four members: Russia, Armenia, Belarus, and

Kazakhstan, and is a customs union that allows for the free movement of goods, services, and persons across borders. Other Eurasian

countries, however, are looking westward, signing bilateral deals via the EU's neighborhood policies. Vladimir Putin's Regime has been tested by the unrest in Crimea MAXIM ZMEYEV / REUTERS Russian President Vladimir Putin attends a session during the Week of Russian Business, organized by the Russian Union of Industrialists and Entrepreneurs (RSPP), in Moscow, March 19, 2015. Another source of Russian antagonism against the United States comes from the nation's growing cyberpower status. Now considered the second strongest cyberpower after the United States, Russia has the capability to compromise government networks and e-mail accounts. Moscow's capabilities, however, have created few real accomplishments. Attacks on the White House, the State Department, and the Defense Department achieved nothing of strategic value. Moscow's attack against Estonian servers in 2007 only brought Tallinn closer to its NATO allies, aligning the nation within the Cooperative Cyber Defence Centre of Excellence. Cyber disruption launched before the conflict in Georgia in 2008, which included denial of service attacks of Georgian government networks and telecommunications companies, did not do any damage nor help Russia achieve any strategic objectives. These cyber campaigns caused confusion and left some parts of the country in the dark, but it was conventional military attacks that secured the separatist territories of South Ossetia and Abkhazia for Russia. Given that, as far as we know, Russia has not even tried cyber measures against Ukraine, one wonders what these methods really achieve for it. The recent attacks on the United States Department of State, Department of Defense, and White House, which involved a security breach on Obama's non-classified computer network that could have revealed sensitive—but not classified—documents and messages, are troubling and notable, but they still do not constitute a successful operation. Penetrating the White House's systems might seem scary, but if no classified information is compromised, little is accomplished. If anything, it is more of a wakeup call for the U.S. government to shore up the backdoors throughout its own systems. The United States is vulnerable, but it is not clear that Russia is able or even willing to exploit these weaknesses in a significant way. Related Tweets WHAT'S A WORLD TO DO? Given that Russia's bark is worse than its bite, there are several options for responding. John Mearsheimer advocates buffer-state status for Ukraine, a seemingly interesting proposition that avoids a full-scale war in the region. Yet given the troubled history of warfare and occupation within buffer states such as Afghanistan and Poland, this idea becomes a nonstarter. Furthermore, buffer-state status can lead to continuous territorial disputes. Leaving Ukraine in limbo between the West and Russia is not a solution that is fair to Ukraine or to any other interested party. Letting Russia assert its regional interests has resulted in outcomes that counter its own goals. And that is why rushing to deal with a perceived Russian threat would be folly. Continued support for Western allies and investment in alternative energy sources and cyberdefenses as (opposed to cyberoffensive capabilities) would lead to continued stability in the international system despite Russia's use of force. Pushing a confrontation between the West and Russia will only lead to a demonstration of the West's own weaknesses; strategically incompatible goals, limited weapons supplies (excluding the United States), and the West's own vulnerability when it comes to cybersecurity would lead the West to appear weak just as it attempts to look strong.

No impact to Russian expansion but hardline confrontation causes more aggression and lashout

Valeriano and Maness 6/11 (Brandon and Ryan, 2015, Senior lecturer at the University of Glasgow and Visiting Fellow of Security and Resilience Studies in the Department of Political Science at Northeastern University, "Putin's strategy has weakened Russia," [//RTF](http://www.brookings.edu/blogs/order-from-chaos/posts/2015/06/11-putins-strategy-weakens-russia-valeriano-maness)

Projecting strength in an attempt to encourage concessions is not a path we support, and history has consistently shown the shortcomings of such an approach. In our work, we suggest that overreacting to Russian aggressions would be dangerous—this is exactly the path Aleksashenko suggests by calling on the West to prove that Putin is weak. The reality is that each move Russia makes weakens it in general. Conquest is an idea of the past and rarely pays off. To overreact now is to play into Putin's hands and will only make his warnings to the Russian people come true, marshalling both domestic and elite opinion further behind his aggressive actions. To act provocatively is not in the American interest, but it is in the interest of Russia. Given this, we recommend holding the line in Ukraine, finding alternative strategies for energy so Eastern Europe is not dependent on Russian sources, and resisting the urge to escalate the situation or "reset" the relationship for the third time in the last 20 years. There is also the option of extending sanctions to the SWIFT banking system, but this would lead to self-inflicted harm and not necessarily target the regime. The situation is what it is, and the goal now should be to prevent a wider conflagration that would only drag in all of Europe. We advocate for a focus on the outcomes and think it's worth asking what Russia has gained from all its maneuverers—not making Russia wallow in its strategic weakness. All this will do is make Russia, currently a cornered power, lash

out. The best response is one that recognizes the dangers of Russia's moves while not reacting too aggressively. The fact of the matter is: Russia only makes its situation more untenable with each successive foreign policy failure.

Militarization makes conflict more likely

Fisher 6/29 (Max, 2015, writing for Vox and citing Fyodor Lukyanov, "How World War III became possible,"

[//RTF](http://www.vox.com/2015/6/29/8845913/russia-war)

I. The warnings: "War is not something that's impossible anymore" Everyone in Moscow tells you that if you want to understand Russia's foreign policy and its view of its place the world, the person you need to talk to is Fyodor Lukyanov. Sober and bespectacled, with an academic's short brown beard, Lukyanov speaks with the precision of a political scientist but the occasional guardedness of someone with far greater access than your average analyst. Widely considered both an influential leader and an unofficial interpreter of Russia's foreign policy establishment, Lukyanov is chief of Russia's most important foreign policy think tank and its most important foreign policy journal, both of which reflect the state and its worldview. He is known to be close to Russian Foreign Minister Sergei Lavrov. I met Lukyanov around the corner from the looming Foreign Ministry compound (his office is nearby), at a small, bohemian cafe in Moscow that serves French and Israeli food to a room packed with gray suits. He was candid and relaxed. When the discussion turned to the risks of war, he grew dire. "The atmosphere is a feeling that war is not something that's impossible anymore," Lukyanov told me, describing a growing concern within Moscow's foreign policy elite. "A question that was absolutely impossible a couple of years ago, whether there might be a war, a real war, is back," he said. "People ask it." I asked how this had happened. He said that regular Russian people don't desire war, but rather feared it would become necessary to defend against the implacably hostile United States. "The perception is that somebody would try to undermine Russia as a country that opposes the United States, and then we will need to defend ourselves by military means," he explained. Such fears, vague but existential, are everywhere in Moscow. Even liberal opposition leaders I met with, pro-Western types who oppose Putin, expressed fears that the US posed an imminent threat to Russia's security. I had booked my trip to Moscow in December, hoping to get the Russian perspective on what were, at the time, murmurings among a handful of political and arms control analysts that conflict could come to Europe. By the time I arrived in the city, in late April, concerns of an unintended and potentially catastrophic war had grown unsettlingly common. Lukyanov, pointing to the US and Russian military buildups along Eastern Europe, also worried that an accident or provocation could be misconstrued as a deliberate attack and lead to war. In the Cold War, he pointed out, both sides had understood this risk and installed political and physical infrastructure — think of the "emergency red phone" — to manage tensions and prevent them from spiraling out of control. That infrastructure is now gone. "All those mechanisms were disrupted or eroded," he said. "That [infrastructure] has been degraded since the end of the Cold War because the common perception is that we don't need it anymore." That the world does not see the risk of war hanging over it, in other words, makes that risk all the likelier. For most Americans, such predictions sound improbable, even silly. But the dangers are growing every week, as are the warnings. "One can hear eerie echoes of the events a century ago that produced the catastrophe known as World War I," Harvard professor and longtime Pentagon adviser Graham Allison — one of the graybeards of American foreign policy — wrote in a May cover story for the National Interest, co-authored with Russia analyst Dimitri Simes. Their article, "Russia and America: Stumbling to War," warned that an unwanted, full-scale conflict between the US and Russia was increasingly plausible. In Washington, the threat feels remote. It does not in Eastern Europe. Baltic nations, fearing war, have already begun preparing for it. So has Sweden: "We see Russian intelligence operations in Sweden — we can't interpret this in any other way — as preparation for military operations against Sweden," a Swedish security official announced in March. In May, Finland's defense ministry sent letters to 900,000 citizens — one-sixth of the population — telling them to prepare for conscription in case of a "crisis situation." Lithuania has reinstated military conscription. Poland, in June, appointed a general who would take over as military commander in case of war. Though Western publics remain blissfully unaware, and Western leaders divided, many of the people tasked with securing Europe are treating conflict as more likely. In late April, NATO and other Western officials gathered in Estonia, a former Soviet republic and NATO member on Russia's border that Western analysts most worry could become ground zero for a major war with Russia. At the conference, Deputy Secretary General Alexander Vershbow spoke so openly about NATO's efforts to prepare for the possibility of Russia launching a limited nuclear strike in Europe that, according to the journalist Ahmed Rashid, who was in attendance, he had to be repeatedly reminded he was speaking on the record. One of the scenarios Vershbow said NATO was outlining, according to Rashid's paraphrase, was that Russia could "choose to use a tactical weapon with a small blast range on a European city or a

Western tank division." >A few weeks later, the Guardian reported that NATO is considering plans to "upgrade" its nuclear posture in Europe in response to Russia's own nuclear saber-rattling. One proposal: for NATO's military exercises to include more nuclear weapons use, something Russia already does frequently.

Increased support to Ukraine causes escalating war

Fisher 6/29 (Max, 2015, writing for Vox, "How World War III became possible," <http://www.vox.com/2015/6/29/8845913/russia-war>)//RTF

VII. How it would happen: The Ukraine scenario Evgeny Buzhinsky has spent much of his professional life with the threat of global nuclear destruction hanging over his head. A lifelong Russian military officer, he earned his PhD in military sciences in 1982, just as the Cold War entered one of its most dangerous periods, and rose to the General Staff, where he remained for years after the Soviet Union's collapse, through periods of calm and of tension. He retired in 2009 as a lieutenant general and remains active in Russian national security circles, now heading the PIR Center, a well-respected Russian think tank that focuses on military, national security, and arms control issues. Buzhinsky, when I met him in Moscow, had a warning for me. Those in the West who worried about the possibility of a major war breaking out in the Baltics were missing the real threat: Ukraine. The US, he feared, does not appreciate how far Russia is willing to go to avoid a defeat in Ukraine, and this miscalculation could pull them into conflict. "Ukraine, for Russia, is a red line," he warned. "And especially a Ukraine that is hostile to Russia is a definite red line. But the US administration decided that it's not." This was a concern I heard more than once in Russia. When Fyodor Lukyanov, the Moscow foreign policy insider, warned that Russian foreign policy officials saw a major war as increasingly possible, and I asked him how they thought it would happen, he cited Ukraine. "For example, massive military help to Ukraine from the United States — it could start as a proxy war, and then ..." he trailed off Lukyanov worried that the US does not understand Russia's sense of ownership over Ukraine, the lengths it would go to protect its interests there. "It's seen by many people as something that's actually a part of our country, or if not part of our country then a country that's absolutely essential to Russia's security," he said. Buzhinsky is one of those people. Like Lukyanov and other Russian analysts, he worried that the United States had wrongly concluded that Putin would ultimately acquiesce if he faced likely defeat in Ukraine. The Americans, he said, were dangerously mistaken. Gregarious, bear-sized, and clearly accustomed to dealing with Westerners from overseeing arms control treaties during much of the 1990s, Buzhinsky sipped a grapefruit juice when we met in downtown Moscow. "A year ago, I was absolutely convinced Russia would never intervene militarily," he said about the possibility of a full, overt Russian invasion of Ukraine. "Now I'm not so sure." The view of the Russian government, he said, was that it could never allow the defeat of the pro-Russia separatist rebels in the eastern Ukraine region sometimes called Donbas. (In August, when those rebels appeared on the verge of defeat, Russia provided them with artillery support and covertly sent troops to fight alongside them, none of which Moscow has acknowledged.) If Ukrainian forces were about to overrun the separatist rebels, Buzhinsky said, he believed that Russia would respond not just with an overt invasion, but by marching to Ukraine's capital of Kiev. "A massive offensive on the Ukrainian side" against the rebels, he said, would lead Russia to openly enter the war. "A war with Russia in Ukraine — if Russia starts a war, it never stops until it takes the capital." When I asked Buzhinsky if he really believed Putin would launch a full Russian invasion of Kiev in response to a Ukrainian effort to retake Donbas, he answered, "Yes, definitely. He said twice publicly, 'I won't let it happen.' As he is a man of his word, I am sure he will." Such a scenario, he said, could lead to a larger conflict no one wants. The Americans believe that "Russia will never dare, Putin will never dare, to interfere," leaving the US unprepared in case it should happen. "And then I could not predict the reaction of the United States and NATO." Buzhinsky outlined another way he feared Ukraine could lead to a larger war. If the US provided sophisticated military equipment to Ukraine that required putting American trainers or operators near the front lines, and one of them was killed, he believed the US might feel compelled to intervene outright in Ukraine. Would Russia really risk a major war over Ukraine, one of Europe's poorest countries? For months, Moscow has been suggesting that Western military involvement in Ukraine, even something as mild as providing the Ukrainian military with certain arms, would be taken as an act of war against Russia. Like Putin's threats to use nuclear weapons, this has been shrugged off as bluster, mere rhetoric, just for scoring domestic political points. What Buzhinsky was trying to underline to me was that the threats are real — that Russia might consider its interests in Ukraine so vital that it

would risk or even fight a war to protect them. He was not alone in saying this — I heard it from many others in Moscow, including Russian analysts who are critical of their country's Ukraine policy as too aggressive. Buzhinsky explained that Russia had set this as a red line out of the fear that a Ukrainian reconquest of eastern Ukraine would lead to "the physical extermination of the people of Donbas," many of whom are Russian speakers with cultural links to Russia. Russian state media has drilled this fear into the peoples of Ukraine and Russia for a year now. It does not have to be true to serve as casus belli; Moscow deployed a similar justification for its annexation of Crimea. The connection to Ukraine is often expressed by everyday Russians as an issue of cultural heritage; Kievan Rus, a medieval Slavic federation with its capital in the present-day Ukrainian capital of Kiev, is something like Russia's predecessor state. But this is likely about more than nationalism or kinship with Russian-speaking Ukrainians. Moscow is notorious for its conviction that the US is bent on Russia's destruction, or at least its subjugation. It is paranoid and painfully aware of its isolation and its comparative weakness. A hostile and pro-Western Ukraine, Putin may have concluded, would pose an existential threat by further weakening Russia beyond what it can afford. Allison and Simes, in their essay on the risk of war, described Ukraine as a potential ground zero for wider conflict because of this. "Russia's establishment sentiment holds that the country can never be secure if Ukraine joins NATO or becomes a part of a hostile Euro-Atlantic community," they wrote. "From [Moscow's] perspective, this makes Ukraine's non-adversarial status a non-negotiable demand for any Russia powerful enough to defend its national-security interests." It is practically a cliché in international relations: "Russia without Ukraine is a country, Russia with Ukraine is an empire." Putin's Russia appears to believe that reclaiming great-power status is the only way it can guarantee security against a hostile West. Jeffrey Lewis, an arms control expert, traced this Russian government obsession with Ukraine back to Putin's political weakness at home, as well as Russia's sense of military insecurity against a hostile and overwhelmingly powerful West. "I suspect that the desire to unite the Russian world and to subjugate the non-Russian neighbors is driven by a fundamental sense of insecurity," Lewis said in a much-circulated September podcast on Putin's nuclear threats. "That, like the Soviet leadership, he has to try very hard to stay in power, and so there's a tendency as his legitimacy declines to try to blame outside forces. And the problem is that when you try to look at the world in that conspiratorial way, there's always a justification for subjugating the next set of neighbors." This means that should the US or other Western countries become sufficiently involved in Ukraine that Russia cannot maintain control of the conflict, then Russia may feel this puts it at such existential threat that it has no choice but to escalate in response. Even at the risk of war. Russia knows it would lose a full-blown war with NATO, of course, but it has other options. An official with the Russian Defense Ministry's public advisory board told the Moscow Times that should Western countries arm Ukraine's military, it would respond by escalating in Ukraine itself as well as "asymmetrically against Washington or its allies on other fronts." Russian asymmetrical acts — cyberattacks, propaganda operations meant to create panic, military flights, even little green men — are all effective precisely because they introduce uncertainty and risk. If that sounds dangerous, it is. American and NATO red lines for what acts of "asymmetry" would and would not trigger war are unclear and poorly defined. Russia could easily cross such a line without meaning to, or could create enough confusion that the US believes it or its allies are under a severe enough threat to demand retaliation. "You don't get to walk this back," Matthew Rojansky, the director of the Kennan Institute, warned in comments to the New York Times about what could happen if the US armed Ukraine's military, as Congress is pushing Obama to do. "O

DOD Counterplan

Risk Assessments Fail

Impossible to assess security risks — risk assessments are only reinforcing current ITP programs

GAO 99 — GAO, Government of Accountability Office, 1999 (“Information Security Risk Assessment: Practices of Leading Organizations — Challenges Associated With Assessing Information Security Risks,” 1999, Available online at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCsQFjABahUKEwjjsuzGyfvGAhVK1YAKHZk8A9o&url=http%3A%2F%2Fwww.gao.gov%2Fspecial.pubs%2Fai00033.pdf&ei=Qke2VeOJMcqgwsZ-YzQDQ&usg=AFQjCNGkz0f58qkZwM2vh2lcnNP3rPQZRw&sig2=WyuJoo9umSEnVH964eZ2_A, Accessed 7/27/15) JL

Basic Elements of the Risk Assessment Process — Risk assessments, whether they pertain to information security or other types of risk, are a means of providing decision makers with information needed to understand factors that can negatively influence operations and outcomes and make informed judgments concerning the extent of actions needed to reduce risk. For example, bank officials have conducted risk assessments to manage the risk of default associated with their loan portfolios, and nuclear power plant engineers have conducted such assessments to manage risks to public health and safety. As reliance on computer systems and electronic data has grown, information security risk has joined the array of risks that governments and businesses must manage. Regardless of the types of risk being considered all risk assessments generally include the following elements. Identifying threats that could harm and, thus, adversely affect critical operations and assets. Threats include such things as intruders, criminals, disgruntled employees, terrorists, and natural disasters.

Estimating the likelihood that such threats will materialize based on historical information and judgment of knowledgeable individuals. Identifying and ranking the value, sensitivity, and criticality of the operations and assets that could be affected should a threat materialize in order to determine which operations and assets are the most important. Estimating, for the most critical and sensitive assets and operations, the potential losses or damage that could occur if a threat materializes, including recovery costs. Identifying cost-effective actions to mitigate or reduce the risk. These actions can include implementing new organizational policies and procedures as well as technical or physical controls.

Documenting the results and developing an action plan. — There are various models and methods for assessing risk and the extent of an analysis and the resources expended can vary depending on the scope of the assessment and the availability of reliable data on risk factors. In addition, the availability of data can affect the extent to which risk assessment results can be reliably quantified. A quantitative approach generally estimates the monetary cost of risk and risk reduction techniques based on (1) the likelihood that a damaging event will occur, (2) the costs of potential losses, and (3) the costs of mitigating actions that could be taken. When reliable data on likelihood and costs are not available, a qualitative approach can be taken by defining risk in more subjective and general terms such as high, medium, and low. In this regard qualitative assessments depend more on the expertise, experience, and

judgment of those conducting the assessment. It is also possible to use a combination of quantitative and qualitative methods.

Challenges Associated With Assessing Information Security Risks — Reliably assessing information security risks can be more difficult than assessing other types of risks, because the data on the likelihood and costs associated with information security risk factors are often more limited and because risk factors are constantly changing. For example, data are limited on risk factors, such as the likelihood of a sophisticated hacker attack and the costs of damage, loss, or disruption caused by events that exploit security weaknesses; some costs, such as loss of customer confidence or disclosure of sensitive information, are inherently difficult to quantify; although the cost of the hardware and software needed to strengthen controls may be known, it is often not possible to precisely estimate the related indirect costs, such as the possible loss of productivity that may result when new controls are implemented; and

Even if precise information were available, it would soon be out of date due to fast-paced changes in technology and factors such as improvements in tools available to would-be intruders. This lack of reliable and current data often precludes precise determinations of which information security risks are the most significant and comparisons of which controls are the most cost-effective.

ADAMS Counterplan

Doesn't solve

Only the plan solves — ADAMS creates more issues than it was invented to solve — it is still in trial and cannot solve for the large amounts of false positives and other issues the Insider Threat program has generated

Keating 13— Joshua Keating is a writer for Foreign Policy, ("Type 'S' for Suspicious, DARPA's far-out, high-tech plan to catch the next Edward Snowden." June 13th 2013, Available online at: <http://foreignpolicy.com/2013/06/13/type-s-for-suspicious/> Accessed on 7/26/15)

Government-funded trolls. Decoy documents. Software that identifies you by how you type. Those are just a few of the methods the Pentagon has pursued in order to find the next Edward Snowden before he leaks. The small problem, military-backed researchers tell Foreign Policy, is that every spot-the-leaker solution creates almost as many headaches as it's supposed to resolve. With more than 1.4 million Americans holding top-secret clearance throughout a complex network of military, government, and private agencies, rooting out the next Snowden or Bradley Manning is a daunting task. But even before last week's National Security Agency (NSA) revelations, the government was funding research to see whether there are telltale signs in the mountains of data that can help detect internal threats in advance. In the months following the WikiLeaks revelations, the Defense Advanced Research Projects Agency (DARPA) — the U.S. military's far-out tech arm — put out a number of requests for research on methods to detect suspicious behavior in large datasets as a way to root out rogue actors like Manning (or in more extreme cases, ones like Fort Hood shooter Nidal Malik Hasan.) The most ambitious of these is known as Anomaly Detection at Multiple Scales (ADAMS), a program that as an October 2010 research request put it, is meant "to create, adapt and apply technology to the problem of anomaly characterization and detection in massive data sets." The hope is that ADAMS would develop computers that could analyze a large set of user-generated data — the emails and data requests passing through an NSA office in Honolulu for instance — and learn to detect abnormal behavior in the system. The tricky part of this kind of analysis is not so much training a computer to detect aberrant behavior — there's plenty of that going around on any large network — it's training a computer what to ignore. "I like to use the example of learning to recognize the difference between reindeer and elk," wrote Oregon State University computer scientist Tom Dietterich, who worked on developing anomaly detection methods for ADAMS, in an email to Foreign Policy. "If all I need to do is tell these species apart, I can focus on the size [of] their antlers and whether the antlers have velvety fur, and I don't need to consider color. But if I only focus on these features, I won't notice that Rudolph the Red-Nosed Reindeer is anomalous, because I'm ignoring color (and noses, for that matter). So in an anomaly detection system, it is important to consider any attribute (or behavior) that might possibly be relevant rather than trying to focus on a very few specific characteristics." Over the past three years, DARPA has shelled out millions of dollars on efforts to learn how to root out Rudolphs from the rest of the reindeer and find out exactly what these red noses look like. This includes a \$9 million award to Georgia Tech to coordinate research on developing anomaly detection algorithms. You can peruse much of the research funded through ADAMS online. For instance, a proposal by the New York-based firm Allure Security Technology, founded by a Columbia University computer science professor, calls for seeding government systems with "honeypot servers" and decoy documents meant to entice potential leakers to subversives. The files would alert administrators when accessed and allow the system to develop models for suspicious behavior. The company cheekily refers to this technique as "fog computing." Another ADAMS-funded paper by Carnegie Mellon University computer scientist Kevin Killourhy looks at systems to "distinguish people based on their typing." For instance, Killourhy explains, when three typists are asked to type the password ".tie5Roanl," the three users can be easily identified by how long they hold down the "t" key. The paper suggests such technologies "could revolutionize insider-threat detection," though unfortunately even the best systems can have an error rate of up to 63 percent, and detection can apparently be thrown off if the person just isn't a very good typist. (Note to prospective whistle-blowers: Try two-finger typing.) Under the fairly obtuse title "Non-Negative Residual Matrix Factorization with Application to Graph Anomaly Detection," two DARPA-supported IBM researchers attempted to identify the kind of behaviors that might indicate suspicious behavior in a large network. These included "a connection between two nodes which belong to two remotely connected communities," such as an author publishing a paper on a topic not normally associated with his or her research; "port-scanning like behavior," which is when a particular IP address is receiving information from an unusually high number of other addresses; and "collusion," such as a "group of users who always give good ratings to another group of users in order to artificially boost the reputation of the target group." The thinking has gone somewhat beyond the theoretical level. At a conference

in May, researchers from defense firm SAIC presented results from the PRODIGAL (Proactive Discovery of Insider Threats Using Graph Analysis and Learning) research team — part of the overall ADAMS initiative — which tested a series of anomaly detection methods on an organization of approximately 5,500 users over the course of two months. "Red teams" were inserted into the data simulating characters such as a "saboteur," an intellectual property thief, and a "rager" — someone prone to "strong, vociferous, abusive, and threatening language in email/Webmail/instant messages." The detection methods varied widely in effectiveness. Such systems are clearly not yet up to the task of identifying a leaker before he or she strikes, and Dieterich, the Oregon State computer scientist, was cautious when asked whether they ever would be. "Anything I would say here would just be speculation, and artificial intelligence researchers have learned the painful lesson that we are very bad at predicting when, if, or how the methods we develop will be useful," he stated. ADAMS may still be in the trial stage, but "insider threat" detection was clearly a major priority for the U.S. government even before last week. In October 2011, for instance, President Barack Obama signed an executive order calling for the creation of an interagency Insider Threat Task Force charged with the "safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure." The Snowden affair will no doubt only accelerate efforts to combat these threats. Of course, if these efforts included high-tech initiatives along the lines of ADAMS, it would be somewhat ironic, as this type of big-data analysis is a not-so-distant cousin of the much larger surveillance programs that Snowden sought to expose. This type of analysis may alarm privacy advocates, but in the end, the idea of intelligence agencies developing a vast high-tech data-surveillance program to prevent anyone from learning about an even vaster high-tech data-surveillance program feels a little more Catch-22 than 1984.

Politics

Uniqueness

Flood XO

Flood risk standards executive order drained Obama's PC — disad's nonunique

Cochran 15 — Thad Cochran, Senior United States Senator from Mississippi and a member of the Republican Party, currently the Chairman of the Senate Appropriations Committee, 2015 (“Cochran, Wicker Question Legality of Flood Standards Executive Order,” *Thad Cochran: US Senator for Mississippi*, Feb 6th, Available online at <http://www.cochran.senate.gov/public/index.cfm/2015/2/cochran-wicker-question-legality-of-flood-standards-executive-order>, Accessed 7/26/15) JL

WASHINGTON, D.C. – U.S. Senators Thad Cochran (R-Miss.) and Roger Wicker (R-Miss.) today indicated that they have asked President Obama to provide information showing that a far-reaching executive order setting federal flood risk standards was informed by input from stakeholders, and does not violate legal restrictions set by Congress last December.

Cochran, Wicker and eight other Senators signed a letter to the President that asks him to name the individuals and groups involved in developing the Federal Flood Risk Management Standard (FFRMS) that he implemented through Executive Order 13690 last month. The letter, which seeks a response by Feb. 17, states that the President's action “calls into question the legality of the issuance of the January 30th order.”

“The federal government does not operate in a vacuum. Such sweeping flood standard changes for federal properties will affect localities and private property owners in Mississippi and elsewhere,” said Cochran, who spearheaded the joint letter. “The President needs to explain to Congress and the American people why he took this unilateral action to disrupt cooperative, bipartisan work on flood risk mitigation issues. He should have first engaged stakeholders to ensure that their concerns are heard.”

“This Administration seems to forget that it works for the American people, not the other way around,” Wicker said. “These new standards issued by executive decree – without local, state, or public input – could have many unintended consequences. People in Mississippi and around the country deserve answers.”

In issuing the executive order, the President defied earlier requests from lawmakers who had asked that the FFRMS be halted because its development was being conducted with little transparency or input from the public or lawmakers. It also challenged a provision in the FY2015 Consolidated and Further Continuing Appropriations Act (PL.113-235) that states the administration must solicit and consider input from governors, mayors and other stakeholders before implementing FFRMS.

“We continue to express serious concern regarding the vast implications the issuance of a new FFRMS would have on families and workers in communities along the coasts and inland waterways,” said the letter signed by Senators Cochran, Wicker, and Senators David Vitter (R-La.), John Cornyn (R-Texas), Johnny Isakson (R-Ga.), Roger Wicker (R-Miss.), Roy Blunt (R-Mo.), John Bozeman (R-Ark.), and Bill Cassidy (R-La.).

FFRMS requires the adoption of “the most recent science on expected sea-level rise and take into account the impacts of climate change” to create higher base flood level elevations for federally funded

investments. The provision was added to PL.113-235 due to concerns that Congress and the public should be allowed to weigh the significant economic, policy and budgetary consequences of FFRMS.

Obama's floodplain executive order drained PC — no input in regulations and expensive

Ratcliffe 15 — John Ratcliffe, Congressman for Texas's 4th congressional district, U.S. Representative, 2015 ("President's floodplain executive order could cost taxpayers millions," *Rockwall County: Herald Banner*, May 11th, Available online at http://www.rockwallheraldbanner.com/opinion/columns/president-s-floodplain-executive-order-could-cost-taxpayers-millions/article_c597cadcf817-11e4-9f32-ffba3dde7f07.html, Accessed 7/26/15) JL

It turns out that 1977 and 2015 have more in common than we previously believed. In 1977, President Jimmy Carter established the definition of a "floodplain" as an area that is subject to a 1 percent or greater chance of flooding in any given year. Fast forward to January of this year when President Obama used Executive Order 13690 to arbitrarily change this definition so that it would better align with his administration's climate agenda.

What's the big deal about the president indiscriminately changing the definition of what constitutes a floodplain? It's a bigger deal than you might think. If you live near almost any kind of waterway, near a valley, a river or in a current floodplain you will more than likely be affected by this expansion of government. Millions of Americans live in floodplain areas – including a large percentage of the constituents in the 18 counties that I represent. Under these new rules, much of Rockwall County will be saddled with an expanded floodplain designation and the onerous regulations that follow.

Living in a floodplain carries with it a number of restrictions that can be crippling for economic and community development. A floodplain designation could increase the area that is regulated under the Endangered Species Act and Clean Water Act permitting under the controversial "Waters of the U.S." rule. Investment in these areas may dry up as it becomes so cost prohibitive to build or modify a structure. These new rules will increase the already confusing regulatory burden on housing, roads, bridges, veterans' facilities, Army Corps projects, small businesses and farms.

For example, imagine you own a home and are currently not in a floodplain. When the executive order goes into full effect and your home is now in a floodplain you will be subjected to a number of new federal rules and regulations that will have extra costs associated with them.

Structural repairs to bridges that span along the waterways and lakes in Rockwall County will more than likely need to be extended or upgraded if they are found to be out of compliance with these new rules, costing taxpayers significantly more money. Rockwall County is one of the top 25 fastest growing counties in the country, according to the 2010 U.S. Census. The floodplain will likely expand around Lake Ray Hubbard, which could result in increased construction and permitting costs for new projects including new homes.

Yet again, the president has used his pen and his phone to implement far-reaching policies developed behind closed doors without the proper stakeholder input from governors and mayors as required by law. Even worse, there has been no public release of the cost benefit analysis of these new regulations.

I have assembled and am leading a coalition of 54 of my colleagues in Congress to fight back against the president's overreach. On April 21 our congressional coalition officially put the president and his administration on notice and demanded an explanation about the impact of these standards and the legality of this executive order.

Requiring clarification from the president is just the first step in fighting back. We are currently requiring the administration to show that they complied with government rulemaking requirements and give a full explanation of how these alternative standards have been developed, including the scientific basis.

My goal here is not to be an alarmist. It's simply to highlight the fact that a seemingly harmless executive order that most people have never heard of can result in far-reaching costs that hard-working tax payers are ultimately forced to bear.

Floodplain executive order drained pc — inefficient and intrusive

Cohen 15 — Bonner Cohen, senior fellow at the National Center for Public Policy Research and senior policy adviser with the Heartland Institute and senior policy analyst with the Committee for a Constructive Tomorrow; B.A. from University of Georgia and his Ph.D. from the University of Munich, 2015 ("Floodplain executive order: Latest Obama power grab," *Cfact*, April 7th, Available online at <http://www.cfact.org/2015/04/07/floodplain-executive-order-latest-obama-power-grab/>, Accessed 7/26/15) JL

With public attention riveted on the chaotic developments in the Middle East and the severe cold weather that gripped much of the nation over the winter, the White House on January 30 quietly issued Executive Order (EO) 13690, "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input." <https://www.whitehouse.gov/the-press-office/2015/01/30/executive-order-establishing-flood-risk-management-standard-and->

Violating existing law — The executive order is more than just a mouthful; it is the latest federal intrusion into what have traditionally been predominantly self-governing communities. In defiance of existing law, the EO redefines the term "floodplain" to expand the area of the country to be regulated as such. The Obama EO was issued in direct violation of language Congress included in a FY 2015 appropriations bill that prohibited the Administration from implementing new standards until it had solicited and considered input from governors, mayors, and other affected parties.

In a March 30 "Dear Colleague" letter, Rep. John Ratcliffe (R-TX) pointed out that, "To date, there has been no public disclosure on ratcliffethe basis of the alternatives included in the EO, how they were developed and decided upon, or a cost-benefit analysis of them." Ratcliffe further noted that the EO calls for the National Water Council "to issue Guidelines to provide guidance to agencies on [the EO's] implementation," even though the National Water Council hasn't received a cent of federal funding since 1982.

Federal Flood Risk Management Standard — The centerpiece of the Obama executive order is something called the Federal Flood Risk Management Standard (FFRMS). Under the executive order, the FFRMS applies to new construction and substantial improvements to existing structures in floodplains and other low-lying areas. Speaking for the Administration, the Federal Emergency Management Agency (FEMA) has claimed repeatedly that the FFRMS will not affect private development. Nothing could be further from the truth.

Indeed, the new federal standard will “in fact substantially limit private development,” says Rep. Ratcliffe. “Because federal agencies must avoid or minimize actions that impact floodplains when taking ‘federal action’ – including when they issue federal permits, licenses, and approvals – the EO is expected to impede or dramatically increase the cost of construction and labor in low-lying communities.” Failure to adopt the new standard could make communities ineligible for federal programs, including port development projects, hazard mitigation grants, flood control projects, Brownfields redevelopment, Community Development Block Grants, federally backed mortgages, and federal transportation projects.

While the EO is vague on the details of the FFRMS, it says that incorporating the new standard “will ensure that [federal] agencies expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended.

New regulatory regime — Determining what constitutes “future flood risk” is closely tied to, in the President’s words, “a national policy on resilience and risk reduction consistent with my Climate Action Plan.” In other words, the administration’s policies to “combat climate change” will serve to justify the myriad rules, regulations, and standards Washington will impose on communities throughout the country in the name of protecting them from flooding. A regulatory regime is being put into place that will give Washington final say over what can and cannot be built and how structures – residential and commercial – are to be constructed and where.

In taking its micromanagement of American society down to the level of writing local building codes, the Obama Administration is bypassing both Congress and the federal rulemaking process. The goal is very simple: Make the populace, and the elected officials who supposedly represent them, subservient to Washington.

EPA

Obama threatening to veto Republican coal ash bill in support of EPA

Overton 7/26 — Thomas Overton, associate editor for POWER magazine and lawyer, 2015 (“Obama Administration Threatens Veto of House Coal Ash Bill,” *Power Magazine*, July 22nd, Available online at <http://www.powermag.com/administration-threatens-veto-of-house-coal-ash-bill/>, Accessed 7/26/15)
JL

The Obama Administration on July 21 threatened to veto a coal ash bill that is currently pending in the House and Senate, saying it would undermine protections in the Environmental Protection Agency’s (EPA’s) recently finalized rule on disposal of coal combustion residuals (CCR).

The EPA rule, issued in December 2014, drew mixed reactions from the coal industry and states with coal-fired power plants. While praising the decision to treat CCR as non-hazardous waste, observers also noted that it could complicate state-level enforcement. After the rule was issued, a number of states asked Congress to clarify certain elements of the rule.

The bill, introduced by Sens. John Hoeven (R-N.D.) and Joe Manchin (D-W.Va.) in the Senate and Reps. John Shimkus (R-Ill.) and David McKinley (R-W.Va.) in the House, seeks to refine the EPA rule by allowing greater flexibility in enforcement at the state level and making the designation of CCR as non-hazardous permanent.

While saying it supported “appropriate State program flexibility,” the administration statement said the bill would weaken the EPA rule because it would allow states “to implement permit programs that would not meet a national minimum standard of protection.” It also said the bill does not give the EPA “an opportunity to review and approve State permit programs prior to implementation, departing from the long-standing precedent of previously enacted Federal environmental statutes.”

Congress opposes EPA regulations

Lever 14 — Rebecca Lever, staff writer for The New Republic, 2014 (“The Five Battlefronts in Republicans' War on the EPA,” *The New Republic*, November 10th, Available online at <http://www.newrepublic.com/article/120228/what-expect-gop-war-epa>, Accessed 7/27/15) JL

Republicans have spent six years campaigning against President Barack Obama’s “war on coal” and promising to fight the Environmental Protection Agency’s regulations. Now that Republicans have gained control of both chambers of Congress, they are in a position to declare war with the EPA. The GOP’s plans for environmental regulation are hardly a secret. The Senate’s new leadership includes a majority leader who promised he would “get the EPA reined in,” an environmental chairman who thinks global warming is a hoax, and a newly elected senator who would like to eliminate the EPA altogether. Their most publicized plan is to derail the Obama administration’s proposed cuts to carbon pollution, but there are plenty of other lesser-known EPA targets that are equally at risk. Republicans are attempting to... Fight Ozone Reduction The EPA will announce new regulations that lower the existing standard for ozone, or smog, from a current level of 75 parts per billion, which scientists say is too high to protect public health. Exactly how ambitious this proposal is won’t be known for a few weeks. But GOP leadership has already pledged to prevent it. South Dakota Senator John Thune proposed a bill that would block any new standard until there is 85 percent compliance with the old one. Limit the Clean Water Act This spring, the EPA proposed a rule to answer a question that has lingered for at least a decade: Which streams and wetlands does the 42-year-old Clean Water Act protect? The EPA’s rule makes previously unregulated waters subject to new pollution restrictions—and that has made conservatives furious. The EPA says these streams and wetlands are important to both drinking water supplies and wildlife. There are already 30 Republican senators who have already signed onto legislation to prevent this rule. Allow Congress to Block Major Regulations There is a little-known bill that could bring the entire regulatory process to a standstill. It’s called the Regulations from the Executive in Need of Scrutiny (REINS) Act and would require any regulation costing the economy over \$100 million a year to also pass an up-or-down vote in Congress. If Congress doesn’t hold a vote within 70 days, the regulation dies. This gives a Republican Congress direct control of regulations that are all well within the EPA’s authority to enact—thanks to Congress’ own Clean Air and Water Acts. Mitch McConnell hasn’t hinted what his plans might be on this bill, which already passed the House of Representatives last year. Kentucky’s junior Senator Rand Paul already supports it. Stall Coal Regulations With Numbers Games Ever since the EPA hiked the assessed cost of health, property, and climate damage caused by carbon pollution—from \$22 to \$36 per ton—Republicans have challenged its calculation. The House has already passed a bill that prohibits the EPA from considering the benefits of avoiding carbon pollution unless a federal law allows it. The social cost of carbon forms the basis for a number of coal regulations, so by challenging this calculation, the GOP hopes to stall the EPA’s plans. Block Carbon Pollution Regulation McConnell has already hinted at the ways he hopes to block the EPA’s draft rule to cut power plant pollution 30 percent by 2030. The GOP still faces a Democratic minority capable of filibustering

legislation, and of course Obama's veto. But McConnell has suggested the GOP will limit the EPA by attaching policy riders to must-pass appropriations bills, raising the stakes even at the risk of a government shutdown. "It will be hard because the only good tool to do that ... is through the spending process, and if [Obama] feels strongly enough about it, he can veto the bill," McConnell said in a recent interview with the Lexington Herald-Leader.

Veto threats drain Obama's PC — he's perceived as a roadblock

Wolfgang 15 — Ben Wolfgang, Washington Times staff writer, 2015 ("Obama veto threats irk GOP," *The Washington Times*, May 3rd, Available online <http://www.washingtontimes.com/news/2015/may/3/obama-veto-threats-irk-gop/?page=all>, Accessed 7/27/15)

President Obama this year has taken veto threats to unprecedented heights, setting a new record while vowing to block a host of GOP-backed bills that span the political spectrum.

Since the 114th Congress came to power Jan. 3, Mr. Obama has issued 26 veto threats — by far the most of any president at this point in a new legislative session. Political scientists began tracking formal veto threats in 1985.

President Bill Clinton in 1997 came closest to Mr. Obama's pace, issuing 19 veto threats between the start of a new Congress and May 3 of that year.

Republicans have taken aim at the president's reliance on veto threats, which usually are spelled out in official White House documents known as "statements of administration policy." GOP leaders say Mr. Obama has proved he's not interested in working with them on bipartisan goals and instead is intent on blocking Republicans' agenda at every turn.

"Despite Republicans reaching across the aisle to pass good legislation, the president has responded with veto threats President Obama has shown time and again that he is unwilling to work with Congress by threatening to veto bills before they even get a chance to reach his desk," House Majority Leader Kevin McCarthy, California Republican, wrote on his website last week. "The American people don't want vetoes. They want Washington to work. But it can only work if the President stops his obstruction and starts cooperating with Congress."

Over just the past week, Mr. Obama has issued four veto threats. On April 28, he vowed to veto two House appropriations bills, one to fund veterans' programs and the other to provide money for energy programs, to safely guard the nation's nuclear weapons and other priorities.

On April 29, he said he would veto House legislation requiring the Environmental Protection Agency to clarify its jurisdictional authority under federal law. And most recently, on April 30, he promised to block a bill to overturn the District of Columbia's Reproductive Health Nondiscrimination Act.

Republicans say the bill would force pro-life organizations to hire pro-choice employees and may require employers to pay for abortions.

The White House took a much different view and, as is usually the case, spelled out its specific objections to the legislation in a statement of policy.

“This legislation would give employers cover to fire employees for the personal decisions they make about birth control and their reproductive health. These personal decisions should not jeopardize anyone’s job or terms of employment,” the administration said. “The act preserves the current exception in the District’s Human Rights Law for religious entities and does not impose additional requirements on employers, contrary to their personal beliefs, to provide insurance coverage related to reproductive health decisions.”

While Mr. Obama has been quick to issue veto threats, he actually has vetoed just three bills during his time in office. Most recently he vetoed legislation approving the Keystone XL oil pipeline, saying the State Department needs more time to conduct environmental studies and other reviews of the project.

Political analysts say the president’s frequent veto threats — and Republican complaints about them — usually are of little interest to average voters.

But the practice could rally Democrats in the House and the Senate. Democrats may become emboldened by the supposedly lame-duck president standing up for their positions, according to Matthew Dallek, a political science professor at George Washington University.

“It sends a signal to his party about where he stands and where his red lines are on any particular piece of legislation,” he said. “The vast majority of these veto threats go far over the heads of most voters. But occasionally there are issues that rise to prominence and narratives that get formed. If Democrats are able to paint Republican majorities as extreme or obstructionist, or both, that is to their political advantage. That can be a theme that can certainly take hold.”

The flip side, Mr. Dallek said, is that Republicans could paint Mr. Obama as the main roadblock to progress if the president frequently is seen vetoing bills the voting public supports.

“The public can also, as a broad matter, see that Obama isn’t signing much or doing much. What’s getting done in Washington?” Mr. Dallek said.

Obama’s adherence to EPA unpopular

Coats 7/7 — Dan Coats, Indian Republican senator, 2015 (“EPA water rule must be stopped,” *Pal-Item: A Garnett Company*, July 7th, Available online at <http://www.pal-item.com/story/opinion/contributors/2015/07/07/epa-water-rule-must-stopped/29816421/>, Accessed 7/26/15) JL

Ben Franklin famously noted that the only things certain in life are death and taxes. Unfortunately, under the Obama administration, excessive overregulation has become a third certainty.

Since President Obama took office, the Environmental Protection Agency repeatedly has attempted to increase its power and control through overregulation, all to suit the administration's larger ideological agenda. As a result, the Indiana energy and manufacturing sectors have endured various EPA attacks over the past several years.

The latest example of this overreach is a rule recently finalized by the EPA defining the Waters of the United States. The expansive WOTUS rule sets out the agency's interpretation of which bodies of waters

are "navigable" and therefore subject to federal regulation. The EPA's sweeping interpretation covers water bodies, wetlands, small ponds and even ditches, including those that may run with water during the occasional Indiana rainstorm.

This rule could limit the ability of Hoosier farmers to use their private land productively and Hoosier businesses to develop private property. It will add burdensome red tape and cause serious harms to businesses, utilities, farmers, developers, builders and land owners across Indiana.

Hoosier landowners will be faced with new permitting requirements and liability risks. By the EPA's own admission, the rule will increase the number of permits required for developers and landowners who want to make decisions regarding their own property. Further, by the EPA's own estimate, the cost of the rule will range from \$158 million to \$465 million per year. These new financial and time burdens will make it harder for Hoosier manufacturers and business owners to expand their businesses.

It is clear this rule goes beyond reasonable environmental protection. Instead, it calls into question property rights and personal freedom, all while heaping new costs on millions of Americans.

Even worse, the EPA is moving forward with this misguided rule after receiving more than 1 million comments, most of which urged a different approach. Thirty-four states, including Indiana, oppose this rule and have asked for it to be withdrawn or changed. Opposition to this rule is not limited to a small minority, but rather a concerned majority. Despite this clear opposition, the EPA has moved to enshrine its broad overreach into law.

Maintaining clean water, air and lands are important missions for government at every level. Yet these missions do not exist in a vacuum and must be achieved while balancing the compelling needs of individual freedoms, a growing economy, abundant jobs, public health and ecological integrity.

Obama will veto House bill on coal ash regulations

Gallucci 7/22 — Maria Gallucci, energy & environment reporter at IBTimes with a journalism degree from Ohio University's E.W. Scripps School of Journalism, 2015 ("White House Issues Veto Threat For House Coal Ash Bill," *International Business Times*, July 22nd, Available online at <http://www.ibtimes.com/white-house-issues-veto-threat-house-coal-ash-bill-2020043>, Accessed 7/26/15) JL

The Obama administration is threatening to veto a House bill that would weaken new federal limits on coal ash, the toxic byproduct of coal-fired power plants. Legislators are set to vote Wednesday on the measure, which senior White House advisers say will "undermine the protection of public health" if passed.

H.R. 1734 targets a suite of coal-ash regulations adopted by the U.S. Environmental Protection Agency in December. The rules aim to prevent massive spills and protect drinking water by forcing faulty dumps to close and keeping new facilities out of wetlands and other environmentally sensitive areas.

The protections were prompted by a December 2008 accident at an eastern Tennessee coal plant, which dumped 5.4 million cubic yards of ash into nearby rivers -- an amount greater than all the crude oil that

spilled in the 2010 BP disaster in the Gulf of Mexico. Since then, the EPA has found hundreds of cases of coal ash tainting lakes, rivers and streams, including a major 2014 spill at a Duke Energy coal plant in Eden, North Carolina.

Earthjustice Coal Ash Map

A map by environmental group Earthjustice shows the more than 200 places where coal ash is known to have contaminated groundwater, wetlands, and rivers, as well as the 331 coal ash ponds that pose a high hazard or significant hazard to the surrounding environment and communities. Earthjustice

The House bill, brought by Rep. David McKinley, R-West Virginia, would delay or eliminate some of the EPA standards. It would also take the unprecedented step of removing the EPA's authority to regulate coal ash -- the nation's second-largest industrial waste stream -- and instead give sole regulatory authority to the states, with only minimal oversight from the federal agency.

Coal ash is created by burning coal for electricity and contains toxic heavy metals such as arsenic, mercury and lead. The nation's power plants produce about 140 million tons of the product each year, which gets dumped in around 1,400 lined and unlined ponds and landfills near the facilities. About 40 percent of coal ash is recycled into building materials, including concrete and wallboard, and used to strengthen metal alloys and plastics.

McKinley has said the EPA rules are "vague and harmful" and would jeopardize hundreds of thousands of jobs in the coal ash recycling industry.

"We need this common-sense reform to ensure coal ash programs meet standards to protect the environment while providing flexibility to the states on implementation," he said in a previous statement.

The bill is McKinley's sixth attempt to weaken federal oversight of the coal ash industry. The White House also opposed those measures, but H.R. 1734 is the first to draw a veto threat. In a Tuesday memo, senior advisers said they would recommend that President Barack Obama veto the House bill if it lands on his desk as drafted.

"Because it would undercut important national protections provided by EPA's [rule], the administration strongly opposes H.R. 1734," the Office of Management and Budget said.

Cuba

Obama's normalizing Cuban relations — drains PC

Kim 7/2 — Seung Min Kim, assistant editor who covers Congress for POLITICO, degrees in journalism and political science from the University of Iowa and a master's degree in journalism from American University, 2015 ("Why the GOP Congress could be trouble for Obama in Cuba," Politico, July 2nd, Available online at <http://www.politico.com/story/2015/07/why-the-gop-congress-could-be-trouble-for-obama-in-cuba-119668.html#ixzz3h30xKmr7>, Accessed 7/26/15) JL

Within hours of Obama's announcement to open an embassy in Cuba, Republicans in Congress were threatening to deny funding to the embassy while blocking any ambassador to lead it — underscoring the deep antipathy toward Obama's Cuba policy on Capitol Hill.

And lifting that decades-old embargo? Fat chance, Republicans say.

"The support to keep pressure on the Castro regime is stronger now than it has ever been in Congress," Rep. Mario Diaz-Balart (R-Fla.), a Cuban-American lawmaker and one of the most vocal critics of Obama's Cuba policy, said in an interview.

Obama has already acted without Congress, easing some trade and travel restrictions to Cuba as well as taking the island nation off the U.S. list of state sponsors of terrorism. But the White House would need lawmakers to green-light funding for an embassy and to officially end the embargo. Though he appears unlikely to nominate a permanent ambassador, that would take Congress' assent, too.

Obama has some congressional allies on Cuba, mostly Democrats but also a handful of Republicans. After that, it's a wall of opposition, from GOP leadership that opposes restoring full diplomatic relations, to committee chairs skeptical of the administration's Cuba policy, to a raft of Republican presidential contenders waving a loud megaphone to showcase their Cuba opposition.

Sen. Ted Cruz (R-Texas), a 2016 presidential candidate who is of Cuban descent, said in a statement Wednesday that he would work to block funding for a U.S. Embassy in Cuba and any nominee for ambassador Obama recommends, "unless and until the president can demonstrate that he has made some progress in alleviating the misery of our friends, the people of Cuba."

Magnets for sale decorate a tourist shop, one showing an image of U.S. President Barack Obama smelling a cigar, at a market in Havana, Cuba, Monday, March 16, 2015. U.S. and Cuban officials are meeting Monday in last-minute closed door negotiations in Havana, in hopes of restoring full diplomatic relations before the Summit of the Americas in April. The magnet in the bottom row, second from left, reads in Spanish: 'Here, nobody gives up,' a popular quote attributed to Cuba's late revolutionary hero Camilo Cienfuegos. (AP Photo/Ramon Espinosa)

The Obama administration doesn't need Congress's approval to simply switch its existing "interests section" in Havana to a full-fledged embassy. But it would need lawmakers to sign off on additional funding.

The State Department asked Congress for roughly \$6 million for fiscal 2016 to convert the interests section to an embassy. It's clear the current building would need upgrades: A May 2014 inspector general report said the facility, located on the waterfront Malecón boulevard in Havana, is "subject to high winds and salt air and requires constant attention."

Administration officials "believe that they have the resources available in the State Department to at least start the embassy," Sen. Dick Durbin (D-Ill.) said in an interview Wednesday. Republicans "cannot stop the president from his policy change; they can embarrass the United States by limiting investment."

But Republicans have already shown plenty of appetite for a Cuba fight.

House Republicans have a funding bill for the State Department that restricts money for an embassy or a similar diplomatic facility in Havana, beyond funds already in place before Obama's announcement in

December to normalize relations with Cuba. The measure would also bar money from being spent on opening a Cuban embassy in Washington.

Link

AT: ITP link

ITP unpopular with all sides — concerns over privacy and government behavior

Coleman-Adebayo 13 — Dr. Marsha Coleman-Adebayo, author of *No FEAR: A Whistleblowers Triumph over Corruption and Retaliation at the EPA*, she blew the whistle on a US multinational corporation that endangered vanadium mine workers and this lawsuit led to the introduction and passage of the first civil rights and whistleblower law of the 21st century: the Notification of Federal Employees Anti-discrimination and Retaliation Act of 2002 (No FEAR Act); she's also Director of Transparency and Accountability for the Green Shadow Cabinet, 2013 ("*Big Brother*" Watching You...For A Long Time," *Popular Resistance: Daily Movement, News, and Resources*, August 3rd, Available online at <https://www.popularresistance.org/big-brother-watching-you-for-a-long-time/>, Accessed 7/27/15) JL

As reported last week in "*Big Brother is Watching*," President Barack Obama, signed Executive Order 13587 on October 7, 2011 entitled: Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information (Federal Register Vol. 76, No. 198 (10/13/11). The president's decision to initiate the "Insider" program was triggered by revelations from Pvt. Bradley Manning, a US Army soldier who courageously exposed illegal US military attacks against civilians in Iraq and allegedly passed classified data to the website WikiLeaks. The program outlined in Executive Order 13587 is called the Insider Threat Program (ITP).

Now that the program has come to light, it has been condemned by both liberal and conservative news organizations because it has raised concerns about privacy, unethical governmental behavior and the unavoidable comparison with Nazi, East German and McCarthy era witch hunts that destroyed the lives and careers of thousands of people. In fact, following an investigative report by the McClatchy news organization, Fox News issued an article by Dough McKelway entitled: "'Insider Threat'? Program urging federal workers to tattle on each other raises concerns."

AT: Executive action link

Doesn't drain pc

Sovacool 9 (Dr. Benjamin K. Sovacool is a Research Fellow in the Energy Governance Program at the Centre on Asia and Globalization. He is also an Assistant Professor at the Lee Kuan Yew School of Public Policy at the National University of Singapore. He has worked in advisory and research capacities at the U.S. National Science Foundation's Electric Power Networks Efficiency and Security Program, Virginia Tech Consortium on Energy Restructuring, Virginia Center for Coal and Energy Research, New York State Energy Research and Development Authority, Oak Ridge National Laboratory, and U.S. Department of Energy's Climate Change Technology Program. He is the co-editor with Marilyn A. Brown of *Energy and American Society: Thirteen Myths* (2007) and the author of *The Dirty Energy Dilemma: What's Blocking Clean Power in the United States* (2008). He is also a frequent contributor to such journals as *Electricity Journal* and *Energy Policy*. His e-mail address is bsovacool@nus.edu.sg. ** Kelly E. Sovacool is a Senior Research Associate at the Lee Kuan Yew School of Public Policy at the National University of Singapore. She received her MS in geography from the Virginia Polytechnic Institute & State University in Blacksburg, Virginia. Her areas of interest include geopolitical and environmental risk analysis, along with stakeholder identification and assessing the motivations behind natural resource management and environmental law. She is trained in the technical areas of Geographic Information Systems (GIS).

Her e-mail address is Simanke@vt.edu. ; <http://www.circleofblue.org/waternews/wp-content/uploads/2010/08/sovacool-and-sovacool-water-columbia.pdf>; WillTheThrill)

Executive Orders also save time in a second sense. The President does not have to expend scarce political capital trying to persuade Congress to adopt his or her proposal. Executive Orders thus save presidential attention for other topics. Executive Orders bypass congressional debate and opposition, along with all of the horse-trading and compromise such legislative activity entails. n292

No negotiating

Howell and Pevehouse 7 (William G. Howell - Sydney Stein Professor in American Politics in the Harris School And Jon C. Pevehouse - associate professor at the University of Chicago's Irving B. Harris School of Public Policy, Princeton University Press, "While Dangers Gather: Congressional Checks on Presidential War Powers"; WillTheThrill)

The second feature of unilateral powers that deserves attention is that when the president acts, he acts alone. Of course, he relies on numerous advisors to formulate the policy, to devise ways of protecting it against congressional or judicial encroachment, and to oversee its implantation. But to issue the actual policy, as either an executive order or memorandum or any other kind of directive, the president need not rally majorities, compromise with adversaries or wait for some interest group to bring a case to court. The president, instead, can strike out on his own, placing on others the onus of coordinating an effective response. Doing so, the modern president is in a unique position to lead, break through the stasis that pervades the federal government, and impose his will in more and more areas of governance.

Executive orders don't link to politics- Prefer our evidence in context of Obama

Davies '09 – (Anne Davies, writing in the Sydney Morning Herald, <http://www.smh.com.au/world/obamas-first-100-days-20090424-ai29.html>; WillTheThrill)

Outside of these core priorities, Obama limited himself to those actions that could be achieved by executive order or required no political capital to be spent with Congress: closing Guantanamo by July, banning torture practices at CIA jails, restoring federal funding for embryonic stem cell research, pushing through legislation dealing with gender discrimination in the workplace, and, of course, changing the priority of America's efforts in the Iraq and Afghanistan wars, which he can do as commander-in-chief. Reforms such as banning assault weapons, which would require legislation and a political battle, have been quickly jettisoned.